

Closed Caption Log, Council Meeting, 10/20/05

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GOOD MORNING, I'M AUSTIN MAYOR WILL WRITTEN. WE HAD A LATE -- WILL WYNN. WE HAD A LATE CONFLICT FOR OUR MINISTER, WHO WAS GOING TO GIVE OUR INVOCATION, SO I WILL LIKE TO CALL ON CITY EMPLOYEE MARK HEINRICH WHO IS GOING TO LEAD OUR INVOCATION, PLEASE RISE.

THANK YOU, MAYOR, IT'S AN HONOR TO BE HERE TODAY. I FEEL LIKE A PIFERBLG HITTER OR A PINCH RUNNER AT THE WORLD SERIES. GO ASTROS, BY THE WAY, LET US PRAY. MAY THIS COUNCIL BODY AND THE CITY AND THE STAFF BE AT PEACE, A PEACE THAT PASSES ALL UNDERSTANDING. GIVE THEM THE CONFIDENCE TO DO THE RIGHT THING, LORD. WE ASK THAT THEY FORGIVE EACH OTHER OF ALL JUDGMENTS THAT THEY MAY HAVE IN ANY AREAS OF YOUR LIVE. WE LEAVE THEM AT YOUR CROSS AND WE WORK TO THE OTHER SIDE IN FREEDOM AND FORGIVENESS. WE ASK IN MIND AND BODY THAT THEY BELIEVE IN EACH OTHER, LIFT EACH OTHER UP IN LEADERSHIP. I DO BELIEVE, LORD, THAT ATTITUDE REFLECTS LEADERSHIP. AS A CITY EMPLOYEE, I AM HONORED TO WORK FOR THE CITY. I'M HONORED TO WORK FOR MY MANAGEMENT STAFF, I JUST WANT TO APPRECIATE RIGHT NOW THAT THE WORK THAT THESE PEOPLE DO, THEY COME HERE EVERY -- EVERY THURSDAY AND THEY PUT THEIR HEARTS INTO THEIR WORK AND THEY DO THE RIGHT THING AND -- IN THEIR BEST JUDGMENT, LORD. JUST GIVE THEM GUIDANCE, WISDOM, UNDERSTANDING, DISCERNMENT TO CONTINUE THAT EFFORT AND TO GO THE DISTANCE. THIS TO ME IS THE MOST

IMPORTANT PART OF THIS MEETING IS HAVING THIS COVERING OF YOUR LORD GOD OVER US AND PROTECTING US EVERY MINUTE OF THE DAY OF OUR LIVES. I ALSO WANT TO PRAY FOR THE -- FOR THE INTENTIONS OF MARKETK WEAVER, THE PASTOR THAT WAS SUPPOSED TO PRAY TODAY. WE LIFT UP HIS CONCERNS, MY POST STORE IN MOSCOW RIGHT -- PASTOR? -- MY PASTOR IN MOSCOW, I WANT TO THANK MY CHURCH HOME, THEIR LEADERSHIP, WITHOUT THEM I WOULDN'T BE HERE, LORD. IT'S ALSO A HUMBLE HONOR TO COME UNDER YOUR AUTHORITY AND ASK FOR YOUR HAND TO TOUCH US AND THAT EVERYTHING RESULTS IN THE GOOD OF YOUR -- OF YOUR WORKS, LORD AND YOUR WILL. IT'S A GROWING EXPERIENCE TO BE HERE AND TO WORK, BUT JUST LIKE IRON SHARPENS IRON, WE CAN DO ALL THINGS THROUGH CHRIST THAT STRENGTHENS US. THIS IS MY LIFE FIRST LORD, IT'S NOT ABOUT ME, IT'S ABOUT YOU, LORD. JESUS SAVED ME. JESUS SAVE US AND ALSO WHEN WE FAIL AND FEEL LIKE WE HAVE FALLEN, LET US LEARN SOMETHING WHILE WE ARE DOWN THERE, LORD. ALSO, I LIFT UP THE GIFTS OF EVERY TALENTED PERSON IN THE CITY. AND THAT THEY MAKE GOOD DECISIONS AND THAT THEY READ YOUR WORD, LIVE YOUR WORD AND DIGEST YOUR WORD, BELIEVE IT, BECOME EXAMPLES OF YOUR WORD IN EVERYTHING THAT THEY DO, THAT WE PRAY THAT THINGS HAPPEN FOR YOUR GOOD AND THAT YOUR PRECIOUS NAME OF LORD JESUS CHRIST I PRAY, IN PROTECTION OVER EVERYONE IN THIS ROOM, IN YOUR NAME WE PRAY, AMEN.

Mayor Wynn: AMEN. THANK YOU, MARK, VERY WELL DONE. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, OCTOBER 20th, 2005. WE ARE IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST SECOND STREET, IT'S APPROXIMATELY 17 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE A -- A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE -- SEVERAL NOTES, ITEM NO. 9 AND ITEM NO. 14, EXCUSE ME, ARE TO BE POSTPONED TO OCTOBER 27th, 2005. ITEM NO. 17 HAS BEEN WITHDRAWN FROM THE AGENDA. ON ITEM NO. 18, WE NEED TO CORRECT THE DOLLAR AMOUNT, THE NOT TO EXCEED AMOUNT NEEDS TO BE CORRECTED AND -- WITH THE

AMOUNT \$3,957,727.65. THIS IS ITEM NO. 18 THE INTERLOCAL AGREEMENT WITH TXDOT. ITEM NO. 7 IS EMBARRASSING, WE SHOULD CORRECT THE NAME OF RANGER, GENTLEMAN , NOT EXCAVATION. WE WILL TALK TO RANGER HERE IN A MOMENT ITEM NO. [INDISCERNIBLE] WE NEED TO -- 42, ADD MAYOR PRO TEM THOMAS AS AN ADDITIONAL SPONSOR. 43 POSTPONED TO NOVEMBER 7th, 2005. ON ITEM 62, WE NEED TO STRIKE THE WORD FULL AND INSERT THE WORD LIMITED BECAUSE THIS IS IN FACT A PUBLIC HEARING FOR THE LIMITED PURPOSE ANNEXATION OF THE SCARBOROUGH SUBDIVISION AREA. OUR TIME CERTAINS TODAY AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS. AT 1:30, WE WILL TAKE UP ITEMS 13, 23 AND 24, WHICH RELATE TO THE MEXICAN AMERICAN CULTURAL CENTER. WHICH WE ARE EXCITED TO VOTE ON THE BUILDING OF -- BREAKING GROUND AS EARLY AS SIX WEEKS, EIGHT WEEKS, I BELIEVE. AT 2:00, WE WILL HAVE A BOND SALE WHICH SHOW AS ITEM NO. 51 ON THE AGENDA, ALSO HAVE BRIEFINGS, ITEMS NUMBER 52 AND 53. AT 3:00, WE WILL RECESS, TECHNICALLY RECESS THE MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER THE MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN AUSTINING FINANCE CORPORATION AND TAKE UP THAT AGENDA ITEM AS AHFC 1 AND 2. AT 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW THIS WEEK AS ITEMS 54 THROUGH 57. AND ZONING CASES, PUBLIC HEARING CASES, Z-1 THROUGH Z-12. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS. WE HAVE SEVERAL ITEMS 58 THROUGH 65 ARE POSTED. BUT WE WILL NOTE THAT STAFF WILL BE REQUESTING THAT WE POSTPONE PUBLIC HEARING ITEM NO. 64 TO NOVEMBER 17th, 2005. WE HAVE JUST A FEW ITEMS THAT HAVE BEEN PULLED OFF THE CONSENT AGENDA. ITEM NO. 6 RELATED TO -- TO THE AIRPORT HILTON HOTEL HAS BEEN PULLED BY COUNCILMEMBER LEFFINGWELL. I THINK WE ALSO LIKELY WILL BE TAKING THAT UP IN CLOSED SESSION. AND ITEMS NUMBER 31, WILL BE PULLED IN PART BECAUSE IT'S -- PRIMARILY BECAUSE IT'S RELATED TO A PUBLIC HEARING THAT WE'LL TAKE UP AFTER 6:00 P.M. ITEM 31 AND 34 WILL BOTH BE PULLED OFF THE CONSENT AGENDA AND WILL BE TAKEN UP IN CONJUNCTION WITH OR AFTER A PUBLIC

HEARING THIS EVENING. SO COUNCIL, THAT'S ALL OF THE -- CORRECTIONS AND ITEMS PULLED. WOULD YOU CARE TO PULL ANY ADDITIONAL ITEMS OR ADD ANY ITEMS BACK TO THE CONSENT AGENDA? MAYOR PRO TEM?

Thomas: IF YOU DON'T MIND, I DON'T WANT TO PULL 15 AND 16, BUT I WOULD LIKE MR. HARRISON, HAIRS, COME E SPEAK ON THE GRANT MONEY FOR 15 AND 16 ONCE YOU GET TO THE AGENDA.

MOTION AND SECOND AND THEN WE WILL TAKE SOME COMMENTS. WITH NO ADDITIONAL ITEMS TO BE PULLED OR ADDED BACK TO THE CONSENT AGENDA, I WILL ENTERTAIN A MOTION AFTER I GUESS I READ NUMERICALLY OUR CONSENT AGENDA. WHICH THIS MORNING WILL BE ITEMS 1, 2, 3, 4, 5, 7, 8, 9 TO BE POSTPONED TO OCTOBER 27th, 2005, 10, 11, 12, 14 TO BE POSTPONED TO OCTOBER 27th, 2005, 15, 16, WE WILL NOTE THAT ITEM 17 HAS BEEN WITHDRAWN, 18 PER CHANGES AND CORRECTION, 19, 20, 21., 22, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, WHICH ARE OUR BOARDS AND COMMISSIONS APPOINTMENTS, I WILL READ INTO THE RECORD. TO OUR ARTS COMMISSION, PAMELA CUNNINGHAM, IS MAYOR PRO TEM THOMAS' REAPPOINTMENT. TO OUR CHILD CARE COUNCIL, MYAN TRACE TRAN A CONSENSUS APPOINTMENT, REPRESENTING THE LICENSING RESOURCE SPOT. TO OUR MHMR BOARD OF TRUSTEES, DOCTOR DELCO IS A CONSENSUS REAPPOINTMENT AND MARTHA MARTINEZ IS ALSO A CONSENSUS REAPPOINTMENT. TO THE TRAVIS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS, REVEREND CHRISTOPHER LANDS AND BLANCA ZAMORA GARCIA ARE BOTH CONSENSUS REAPPOINTMENTS. TO THE HISTORIC LANDMARK COMMISSION, ROGER ERAND AND JOE ARRAGAS, SORRY IF I MISPRONOUNCED THAT JOE, ARE CONSENSUS APPOINTMENTS. JULIA [INDISCERNIBLE] IS A CONSENSUS REAPPOINTMENT. TIMOTHY CUPPIT HOLDING THE ARCHITECT POSITION IS A CONSENSUS APPOINTMENT. PATTI HANSON AND JEAN MATHER ARE CONSENSUS REAPPOINTMENTS. AND LAURA NOTT IS A CONSENSUS APPOINTMENT. THAT'S ITEM NO. 36 ON TODAY'S CONSENT AGENDA. CONTINUING ON: ITEM 37 PER CHANGES AND CORRECTION; 38, 39, 40, 41, 42, PER CHANGES AND CORRECTIONS, AND 43 TO BE POSTPONED TO OCTOBER

27th, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM THOMAS TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? MAYOR PRO TEM?

Thomas: YES. IF -- IF MR. HARRIS COME FROM FORENSICS FROM THE POLICE DEPARTMENT WOULD JUST ENLIGHTEN US ON ITEMS ITEMS 15 AND 16, HOW IMPORTANCE IT IS FOR US TO APPROVE THIS ORDINANCE WITH THIS GRANT.

GOOD MORNING, MAYOR PRO TEM, CITY COUNCIL. I'M ED HARRIS, THE DEPUTY DIRECTOR FOR THE AUSTIN POLICE DEPARTMENT SERVICES TECHNICAL DIVISION. IN MAY OF 2004 THE AUSTIN POLICE DEPARTMENT OPENED UP A BRAND NEW FORENSIC SCIENCES LABORATORY. AT 812 SPRINGDALE ROAD, WHICH PROVIDED US WITH THE FIRST OPPORTUNITY AS A POLICE DEPARTMENT TO CONCENTRATE ALL FORENSIC SCIENCES SERVICES INTO ONE FACILITY. ALONG WITH THAT WONDERFUL OPENING OF THAT FACILITY, JUST LAST MONTH THAT LABORATORY ACHIEVED NATIONAL ACCREDITATION IN THE FORENSIC SCIENCES AREA. WE HAVE WHAT WE BELIEVE IS ONE OF A KIND STATE OF THE ART FACILITY LOCATED IN AUSTIN, TEXAS AND I THINK THE ONE THING THAT WE ARE TRYING TO -- TO AVAIL EVERYONE IS THAT THE FUTURE OF LAW ENFORCEMENT TRULY IS IN THE AREA OF FORENSIC SCIENCES, IN TERMS OF SOLVING CRIMES, FIGHTING CRIMES AND PREVENTION OF CRIME. THE TWO -- TWO GRANTS THAT WE ARE HERE TO RECEIVE TODAY ARE THE DEPARTMENT OF JUSTICE GRANTS THAT WILL AFFORD THE FORENSIC SCIENCE DIVISION OF THE AUSTIN POLICE DEPARTMENT TO SECURE AND PURCHASE MUCH NEEDED REFRIGERATED FACILITIES TO TAKE CARE OF FORENSICS EVIDENCE THAT REQUIRES REFRIGERATION SUCH AS SEXUAL ASSAULT KITS. THE AUSTIN POLICE DEPARTMENT CURRENTLY HAS ON HAND OVER A THOUSAND SEXUAL ASSAULT KITS FROM CRIMES THAT HAVE OCCURRED OVER THE LAST 10 TO 15 YEARS. THAT WE FULLY INTEND TO GO BACK AND PERFORM COLD CASE INVESTIGATIONS ON. AND -- IN OUR EFFORTS TO RESOLVE THOSE CRIMES. IT ALSO PROVIDES US WITH \$99,000 THAT WILL AFFORD US THE OPPORTUNITY TO GO OUT AND CONTRACT WITH A -- WITH A CONTRACT D.N.A. ANALYST AS WELL AS A -- AN ASSISTANT TO HELP US PULL THOSE OLD

COLD CASES AND WORK WITH DETECTIVES FROM THE AUSTIN POLICE DEPARTMENT SEX CRIMES DIVISION AND HOMICIDE DIVISION IN HOPES OF GOING BACK AND SOLVING OLD COLD CASE CRIMES AND SEXUAL ASSAULT CASES. WE -- WE ANTICIPATE AND FULLY BELIEVE THAT THIS WILL LEAD TO THE RESOLUTION OF MANY, MANY, MANY OLD SEXUAL ASSAULT AND HOMICIDE CASES THAT HAVE OCCURRED IN THIS CITY. ULTIMATELY WHICH WILL LEAD TO TAKING THOSE PERPETRATORS OF RESIDENTS OF THE CITY OFF THE STREETS. WE IMPLORER THAT YOU CONTINUE IN YOUR EFFORTS TO SUPPORT THE FORENSIC SCIENCES FOR THE AUSTIN POLICE DEPARTMENT. AND WE JUST WANT TO REALLY AVAIL UPON YOU THE IMPORTANCE THAT WE LOOK TOWARDS MORE COMMITMENT TOWARDS THE FORENSIC SCIENCES SECTIONS AND POSITIONS OF THE AUSTIN POLICE DEPARTMENT.

Mayor Wynn: THANK YOU. I HAD THE PRIVILEGE TO BE AT THE REWARDS WHEN THE -- WHEN OUR FORENSIC DEPARTMENT HAD ACCREDITATION. I THINK THAT IT'S -- JUST WANTED THE CITIZENS OF AUSTIN TO KNOW HOW IMPORTANT AND HOW WELL OUR DEPARTMENT, OUR AUSTIN POLICE DEPARTMENT, FORENSIC DEPARTMENT, WE COMMEND YOU FOR YOUR HARD WORK AND YOUR STAFF. SEEING THAT WE ARE TRYING TO ADD BACK SOME OF THE PEOPLE THAT WE DID TAKE FROM YOU, I THINK -- I THINK IT IS VERY IMPORTANT FOR THIS MAYOR AND THIS COUNCIL TO REALIZE THAT THERE WERE SOME POSITIONS TAKEN, ALTHOUGH WE ARE ADDING BACK. WE HOPE TO TRY TO ADD BACK A BIT MORE SPEEDILY TO MAKE SURE THAT YOUR DEPARTMENT IS SUCCESSFUL IN WHAT IT'S TRYING TO DO, THANK YOU VERY MUCH.

THANK YOU.

THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS?
COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, I WAS GOING TO ASK IF WE COULD PULL NUMBER 7 SO THAT WE COULD HAVE MORE INFORMATION ON THAT -- ON THAT TOLL ROAD STUDY PHASE 2. PLAN. AND THEN I DID HAVE A COMMENT ON NUMBER 42, BUT -- BUT DO

THAT NOW OR --

Mayor Wynn: TECHNICALLY WE HAVE A MOTION AND A SECOND. COUNCILMEMBER MCCRACKEN AND MAYOR PRO TEM, ARE YOU OKAY WITH ITEM NO. 7 BEING PULLED OFF THE CONSENT AGENDA? OKAY. COUNCILMEMBER ALVAREZ?

Alvarez: YES, MAYOR, I WANTED TO CALL ATTENTION TO ITEM NO. 42, I CERTAINLY THANK MY CO-SPONSORS, THE MAYOR PRO TEM AND THE MAYOR AND THE JUDICIAL SUBCOMMITTEE FOR TAKING THIS ISSUE ON IN A VERY EXPEDITED MANNER. THIS IS THE ISSUE NUMBER 42 THAT DEALS WITH -- WITH ESTABLISHING A -- AN INTEGRATED JUVENILE JUSTICE PROGRAM BETWEEN TRAVIS COUNTY, THE CITY, AND AISD. JUST REAL BRIEFLY IT'S REALLY TO DISCUSS A SITUATION WE HAVE IN OUR COURTS, WE HAVE OVER 14,000 CASES INVOLVING JUVENILES. AND SPECIFICALLY WITH TRUANCY, HAVING TO DO WITH -- WITH UNEXCUSED ABSENCES AND OTHER -- OTHER MISDEMEANOR TYPE OF CHARGES THAT ARE -- THAT ARE BROUGHT AGAINST THESE TEENAGERS IN SCHOOL. BUT BECAUSE, YOU KNOW, WE HAVE SUCH HIGH CASELOADS, IN OUR VARIOUS COURTS, IT'S DIFFICULT TO TRY TO WORK WITH THE -- WITH THESE YOUNG FOLKS AND THEIR FAMILIES TO KIND OF GET TO THE ROOT CAUSE OF THE ISSUES THAT'S CAUSING THE TRUANCY OR THE VIOLATIONS THAT ARE -- THAT ARE BEING SEEN. AND WE -- AND WE -- SO WE -- THERE WAS LEGISLATION THAT WAS PASSED, HB 1575 THAT TRIES TO HELP CITIES TO BETTER MANAGE THESE CASES THAT INVOLVE YOUNG PEOPLE. AND TO -- TO MANAGE THEM IN A MORE COMPREHENSIVE AND SYSTEMATIC WAY SO THAT -- SO THAT HOPEFULLY YOU REDUCE THE -- THE RECURRENCE, YOU KNOW, OF THESE KIND OF BEHAVIOR FOR THESE FOLKS AND THAT BENEFITS, YOU KNOW, THE -- THE YOUNG FOLKS INVOLVED AND THOSE FOLKS, BUT ALSO BENEFITS MUNI COURT AND TRAVIS COUNTY COURTS AND JP COURTS BECAUSE YOU DON'T HAVE THOSE KIND OF REPEAT OFFENDERS AND THAT SITUATION HAPPENING THAT'S CLOGGING UP OUR SYSTEM. AND OUR -- A COUPLE OF AUDIT REPORTS, ONE IN 1994 AND A FOLLOW-UP REPORT IN 2004 FOUND THAT THERE WAS A NEED FOR MORE COORDINATION BETWEEN ALL OF THE VARIOUS ENTITIES AND ALSO WITH THE -- WITH THE SOCIAL SERVICE

PROVIDERS AND SO -- SO WHAT THIS RESOLUTION DOES, IN ITEM 42, IS JUST -- JUST EXPRESS THE COUNCIL'S SUPPORT FOR -- FOR SORT OF A JOINT SUBCOMMITTEE OF -- OF THE THREE BODIES, THE COUNTY, THE CITY AND AISD TO CONVENE TO LOOK AT THE BEST WAY TO -- TO CRAFT A PROGRAM AND TO UTILIZE THE RESOURCES THAT ARE AFFORDED TO THE CITY AND COUNTY IN PARTICULAR, THROUGH HB 1575. AND SO REALLY AT THIS POINT IT'S JUST KIND OF EXPRESSING OUR SUPPORT FOR THAT IDEA AND -- AND I'VE HAD SOME INFORMAL DISCUSSIONS, YOU KNOW, WITH -- WITH SOME FOLKS AT AISD AND HOPE TO REACH OUT TO SOME MORE COUNTERPARTS IN THE COUNTY, ALSO, TO -- TO SEE IF WE CAN'T GET SOME -- MAKE SOME HEADWAY IN THIS ARENA BY HAVING -- BY HAVING A COMMITTEE OF ALL OF THE PARTIES CONVENE TO -- TO -- TO TRY TO BE - - TO FIGURE OUT HOW CREATIVELY WE CAN ADDRESS THE SITUATION IN OUR COMMUNITY. SO -- SO THAT'S IT, MAYOR. WE ARE NOT NECESSARILY APPOINTING FOLKS RIGHT NOW. I THINK ONCE WE REACH A POINT WHERE IT'S CLEAR THAT THIS -- THAT THIS COMMITTEE WILL BE ESTABLISHED, WE WILL COME BACK AND HAVE A DISCUSSION WITH THE COUNCIL ABOUT -- ABOUT WHAT TWO REPRESENTATIVES FROM THE MAYOR AND CITY COUNCIL WOULD WANT TO PUT FORWARD AS OUR REPRESENTATIVES. SO -- SO I APPRECIATE YOU -- I APPRECIATE YOU BRINGING THIS FORWARD WITH ME, MAYOR, MAYOR PRO TEM. AND ALSO THE COUNCIL FOR -- FOR YOUR CONSIDERATION.

Mayor Wynn: GREAT. THANK YOU, COUNCILMEMBER. I HAVE ONE QUICK -- WE HAVE A COUPLE OF FOLKS WHO SIGNED UP FOR ITEM NO. 32, ALTHOUGH IT'S ON THE CONSENT AGENDA, WE WILL LET THOSE FOLKS SPEAK. BUT FIRST I WOULD LIKE TO RECOGNIZE PARKS DIRECTOR WARREN STRUSS, ITEM NO. 37, WHICH RELATES TO OUR -- OUR TOWN LAKE PARK THAT WE HAVE BEEN PLANNING AND NOW TRYING TO FIGURE OUT HOW TO -- HOW TO PAY FOR THE CONSTRUCTION OF, FOR A LONG TIME, I WOULD LIKE TO RECOGNIZE, YOU KNOW, WARREN STRUSS WHO WILL THEN INTRODUCE AND TALK TO US ABOUT -- ABOUT RANGER EXCAVATING AND A VERY GENEROUS GIFT. MR. STRUSS, WELCOME.

THANK YOU, MAYOR, MAYOR PRO TEM, MEMBERS OF THE

COUNCIL. I'M WARREN STRUSS, DIRECTOR OF THE AUSTIN PARKS AND RECREATION DEPARTMENT. IT IS INDEED EXCITING TODAY TO BRING YOU ITEM NO. 37, WHICH AUTHORIZES RANGER EXCAVATING TO COME IN AND CONTRIBUTE IN EXCESS OF HALF A MILLION DOLLARS TO THE CONSTRUCTION OF TOWN LAKE PARK. RANGER CAME TO US, APPROACHED US A COUPLE OF WEEKS AGO WITH THIS WONDERFUL OFFER AND IT WAS ABSOLUTELY INCREDIBLY TIMELY THAT RANGER CAME TO US TO DO THIS. IT IS ABSOLUTELY MY PLEASURE TO BRING TO YOU MARK MCKENZIE, THE PRESIDENT OF RANGER EXCAVATING, I WOULD LIKE TO INTRODUCE HIM DID AT THIS TIME. MARK?

THANK YOU VERY MUCH. WE ARE -- RANGER EXCAVATING, WE ARE VERY PROUD TO BE ABLE TO DONATE THIS WORK. THE MASS EXCAVATION AND SITE GRADING FOR THE TOWN LAKE PARK. OUR WORK WILL BE DONE IN -- IN A -- AS A MEMORIAL IN LIVING MEMORY OF OUR FOUNDER JACK CARMODY WHO PASSED AWAY IN 2001 AND OUR GENERAL SUPERINTENDENT GOOSE GUZWELL WHO PASSED AWAY LAST YEAR. THIS PROJECT IN PARTICULAR IS VERY WELL SUITED TO SHOWCASE THE WORK RANGER HAS BEEN DOING FOR SEVERAL YEARS, THE WORK JACK AND GOOSE DID ALL OF THEIR LIVES, THE EXCAVATION HILL, THE POND, MASS GRADING HERE IS SOMETHING THAT WE ARE REAL EXCITED TO DONATE AND GIVE BACK TO THE CITY OF AUSTIN WHERE RANGER WAS FOUNDED, WHERE WE HAVE BEEN FOR 20 YEARS, ENJOYING GOOD BUSINESS AND MOVING EARTH ALL OVER THE CITY. BY BEING ABLE TO GET THE HILL, THE MASS GRADING PERFORMED, HAVE THE HILL CONSTRUCTED AND THE POND, WE ARE HOPEFUL AND CERTAIN THIS WILL GET THE PROJECT OFF TO A -- TO A GOOD START AND MAKE FOR A TERRIFIC PROJECT FOR AGAIN REHABILITATIONS TO COME AND WE ARE JUST PROUD TO PARTICIPATE IN IT. SO THANK YOU VERY MUCH.

Mayor Wynn: WELL, FOLKS PLEASE JOIN IN ME IN THANKING RANGER EXCAVATING FOR THIS REMARKABLE GIFT TO OUR TOWN LAKE PARK. [APPLAUSE]

THANK YOU.

Mayor Wynn: THANK YOU ALL VERY MUCH. AGAIN, ITEM NO.

32, REMAINS ON THE CONSENT AGENDA, BUT THREE FOLKS WOULD LIKE TO ADDRESS US. SO -- SO WITHOUT OBJECTION, I WOULD LIKE TO CALL JOYCE BEST AND THEN TREK ENGLISH AND ROBIN SCHNIEDER. WELCOME, MA'AM, YOU WILL HAVE THREE MINUTES.

THANK YOU MAYOR AND COUNCILMEMBERS. MY NAME IS JOYCE BEST, I LIVE IN NORTHEAST AUSTIN. AND I -- I AM CONCERNED ABOUT ITEM NO. 32, AS IT RELATES TO AN -- A CONTRACT WITH WASTE MANAGEMENT. AND THERE ARE A COUPLE OF RELATED ITEMS ON THIS SAME AGENDA THAT WILL BE DISCUSSED THIS EVENING. I -- I WOULD HAVE PREFERRED A POSTPONEMENT OF THIS PARTICULAR ITEM BECAUSE I FEEL THAT THERE ARE WRITTEN MATERIALS THAT THE NEIGHBORHOODS WOULD PROVIDE TO YOU THAT MIGHT HAVE SOME BEARING ON THE -- ON THE ACCEPTANCE OF THIS CONTRACT. MY BIGGEST CONCERN WITH THIS CONTRACT IS -- IS THAT IT WILL PUT THE CITY BACK IN A POSITION OF -- OF CONTINUING TO -- TO DO BUSINESS WITH WASTE MANAGEMENT. POSSIBLY PUTTING THEM IN THE -- IN THE POSITION OF -- OF BEING ASKED TO SUPPORT WASTE MANAGEMENT'S EXPANSION OF THEIR LANDFILL. AND I KNOW THAT SOME COUNCILMEMBERS HAVE ALREADY INDICATED THAT IS NOT THEIR WISH. AND BECAUSE OF CONTINUING PROBLEMS WITH THAT LANDFILL, I WOULD SPEAK AGAINST DOING ANY CONTRACT WITH WASTE MANAGEMENT, FOR THAT REASON, AND FOR THE -- FOR THE FACT THAT THE CITY HAS DETERMINED IN THE PAST THAT THIS IS NOT AN APPROPRIATE PLACE FOR -- FOR LANDFILLING OF -- OF THE CITY'S WASTE. THANK YOU.

THANK YOU, MS. BEST. WELCOME, MS. ENGLISH, YOU WILL HAVE THREE MINUTES.

OKAY. GOOD MORNING, MY NAME IS TREK ENGLISH. FOR THE NORTHEAST ACTION GROUP. I -- I WOULD LIKE TO ASK YOU TO PLEASE PULL THIS ITEM FOR -- FOR FURTHER CONSIDERATION. IT SHOULD BE EITHER POSTPONED WITH THE ITEM THIS EVENING BECAUSE IT'S REALLY -- IT'S ABOUT THE SAME THING. IT'S RELATED AND I DON'T KNOW THAT YOU WANT TO HEAR ALL OF THE ARGUMENTS THIS MORNING. I DON'T KNOW WHAT HAPPENS WHEN A CONSENT ITEM THAT IS PULLED FOR DISCUSSION. DO YOU JUST

LISTEN TO US AND LEAVE IT ON CONSENT? I'M JUST WONDERING IF I'M WASTING MY ARGUMENTS, BUT IT NEEDS TO BE PULLED. THIS IS YOUR PRIME AREA OF AUSTIN. THIS IS ALL THE BUSINESSES THAT ARE IN THE CENTER OF DOWNTOWN AND YOU CANNOT JUST -- JUST PUT A CONTRACT WITH A LANDFILL THAT HAS HAD -- HAS HAD THE HIGHEST VIOLATIONS IN THE STATE OF TEXAS ON A CONSENT ITEM. IT CANNOT STAY ON THE CONSENT AGENDA. YOU NEED TO HEAR ALL OF THE ARGUMENTS AND FORM YOUR OWN OPINION. IF YOU WANT TO GIVE IT TO THEM AFTER THAT, THAT'S FINE. BUT I DON'T BELIEVE THAT YOU HAVE BEEN GIVE VERY MUCH THE RIGHT AMOUNT OF -- OF INFORMATION TO DETERMINE WHETHER OR NOT THIS CONTRACT -- THIS CONTRACT SHOULD BE RENEWED. IT IS A BRAND NEW CONTRACT, BUT IT'S BEING RENEWED. IF -- IF THIS SITE BECOMES A SUPER FUND SITE AND THAT'S WHAT SOME OF THE DOCUMENTATION I WANT TO GIVE YOU, THEN YOU HAVE DRAGGED ALL OF THE DOWNTOWN BUSINESS INTO THIS MESS. SO I WOULD ASK YOU TO PLEASE PULL THIS ITEM OUT OF THE CONSENT AGENDA. YOUR OWN -- YOUR OWN CONSULTANTS TOLD YOU NOT TO PUT YOUR OWN WASTE, YOUR RESIDENTIAL WASTE INTO THAT SITE. YOU CANNOT NOW JUST TURN AROUND AND PUT THE BUSINESS WASTE INTO THAT SITE. I CAN GIVE YOU MORE ARGUMENTS. I HAVE GOT MORE ARGUMENT. BUT I'M NOT SURE EXACTLY HOW MUCH I WOULD BE WASTING OF YOUR TIME IF I JUST ARGUED IT AND YOU ARE GOING TO LEAVE IT ON THE CONSENT AGENDA. SO PLEASE PULL IT FOR FURTHER CONSIDERATION. THANK YOU.

Mayor Wynn: THANK YOU, MS. ENGLISH. TECHNICALLY WHAT WE ARE DOING, IT IS ON THE CONSENT AGENDA, BUT BY OFFERING YOU ALL THE -- THE ABILITY TO COME SPEAK, THERE MAY BE THE WILL OF THE COUNCIL TO TAKE IT OFF THE CONSENT AGENDA. THERE ARE SEVERAL SOLID WASTE RELATED TOPICS THAT WE WILL TAKE UP LATER THIS EVENING. WELCOME, MS. SCHNIEDER, YOU WILL HAVE THREE MINUTES.

I AM CONCERNED ABOUT THE -- THIS CONTRACT AS WELL AS THE OTHER ONE TO BE DISCUSSED LATER TODAY. TO CART, SET UP A CONTRACT BETWEEN THE CITY AND WASTE MANAGEMENT. YOUR CONSULTANTS, CARTER BURGESS IN

1999 SAID THERE'S A HIGH PROBABILITY SOME ENVIRONMENTAL IMPACTS MAY HAVE RESULTED FROM THE INDUSTRIAL WASTE THAT WAS DEPOSITED AT THE WMI LANDFILL. THE STUDY CONCLUDED THAT WASTE MANAGEMENT LANDFILL POSES, AND I QUOTE, A SUBSTANTIAL ENVIRONMENTAL RISK AND POTENTIAL FUTURE LIABILITY TO THE OWNER AND USERS OF THE SITE. AND BECAUSE OF THESE ARGUMENTS, THE CITY SAID WE DON'T WANT OUR RESIDENTIAL TRASH GOING INTO THAT LANDFILL. WHY WOULD THE CITY WANT ITS OWN TRASH, WITH THIS CONTRACT, GOING INTO THAT LANDFILL AND OPEN YOURSELVES UP TO MORE POTENTIAL LIABILITY IN ADDITION TO THE ENVIRONMENTAL RISK. LOW BID IS THE REASON GIVEN FOR THESE CONTRACTS. COULD IT BE THAT WASTE MANAGEMENT'S LOW BIDS CAN BE ATTRIBUTED TO THE WAY THEY CUT THE CORNERS WHEN IT COMES TO THE ENVIRONMENT AND PUBLIC HEALTH? OR COULD IT BE THAT THEIR LOW BID IS TO GET YOU ON THE HOOK SO THAT WHEN -- AS THIS EXPANSION MOVES THROUGH THE PERMITTING PROCESS AT THE STATE, THAT YOU ARE IN A COMPROMISED POSITION IN TERMS OF OPPOSING AN EXPANSION OF A LANDFILL THAT YOU ARE USING. I URGE YOU TO TAKE THIS OFF THE CONSENT AGENDA AND I URGE YOU TO USE MORE ENVIRONMENTAL CRITERIA IN YOUR -- IN YOUR PROCUREMENT DECISIONS. THIS ISSUE CAME UP A FEW YEARS AGO WITH RAINBOW CONCRETE THAT WAS DUMPING CONCRETE ON THE SIDES OF THE COLORADO RIVER. AND THE CITY COUNCIL STEPPED IN AND SAID WE WANT TO SUSPEND ALL CONTRACTS, I'M NOT SURE IF THAT'S A TECHNICAL WORD WITH RAINBOW CONCRETE, THEN THE STAFF UNFORTUNATELY WAS GIVING THEM SMALL CONTRACTS THAT WEREN'T COMING TO THE CITY COUNCIL. IT DOESN'T SEEM THAT ENVIRONMENTAL PROCUREMENT IS REALLY IMBUED IN THE CITY'S PROCUREMENT PROCESS AND WE NEED TO MAKE THAT CHANGE HAPPEN. THANK YOU.

Mayor Wynn: THANK YOU, MS. SCHNIEDER, COUNCIL, THAT'S ALL OF THE SPEAKERS WHO SIGNED UP --

Leffingwell: MAYOR? I BELIEVE IF A SIGNIFICANT PART OF THE CITIZENRY WOULD LIKE TO HAVE AN ITEM ON DISCUSSION, I WOULD CERTAINLY SUPPORT THEIR RIGHT TO TO HAVE THAT. SO I PROPOSE A FRIENDLY AMENDMENT TO PULL ITEM

NO. 32 FROM THE CONSENT AGENDA.

NO PROBLEM.

Mayor Wynn: MS. BROWN, ITEM NO. 32 WILL BE OFF THE CONSENT AGENDA. MY INSTINCT, COUNCIL, IS THAT WE WILL PROBABLY TAKE IT UP ALONG WITH THE OTHER SOLID WASTE ITEMS THAT WE TAKE UP IN CONJUNCTION WITH OR FOLLOWING A 6:00 P.M. PUBLIC HEARING THIS EVENING. FOR YOU ALL WHO -- WHO ARE INTERESTED IN ITEM NO. 32, MY INSTINCT IS THAT YOU GO HOME AND COME BACK LATER. FURTHER COMMENTS ON THE CONSENT AGENDA? MAYOR PRO TEM?

Thomas: IN THE MEANTIME, BEFORE WE HAVE THE PUBLIC HEARING THIS EVENING, I NEED TO ASK MR. ROSE TO GET THAT INFORMATION ABOUT THE 1999 -- I NEED THAT INFORMATION THAT THE NEIGHBORS WERE TALKING ABOUT. THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND TO APPROVE AS READ WITH TWO ITEMS NOW REMOVED FROM THE CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH.

SO COUNCIL, WITHOUT OBJECTION, I GUESS WE CAN JUST WALK THROUGH THESE NUMERICALLY. THE FIRST -- TECHNICALLY OUR FIRST ITEM OFF THE CONSENT AGENDA WAS ITEM NO. 6, BUT I THINK THAT IT'S RELATED TO AN EXECUTIVE SESSION ITEM. SO WE WILL TAKE THAT UP -- AFTER WE HEAR FROM OUR ATTORNEYS IN CLOSED SESSION, ITEM NO. 44. SO WITH THAT OBJECTION WE WILL -- WITHOUT OBJECTION WE WILL CALL UP ITEM NO. 7 RELATED TO THE INTERLOCAL AGREEMENT WITH A NUMBER OF REGIONAL AUTHORITIES. WE WILL RECOGNIZE COUNCILMEMBER ALVAREZ WHO PULLED THE ITEM.

Alvarez: THANKS, MAYOR, I JUST WANTED TO SEE IF WE COULD GET A STATUS REPORT ON THE INDEPENDENT

STUDY. I KNOW THAT WE ARE TRYING TO REACH OUT TO OTHER -- OTHER STAKEHOLDERS OR ENTITIES TO HELP WITH THE PHASE 2 OF THAT. BUT -- BUT I HAVE SOME QUESTIONS ABOUT THAT AS WELL. BUT I JUST WAS WONDERING HOW THE TOLL STUDY IS PROCEEDING, HOW THIS ACTION, HOW THIS ACTION WOULD RELATE TO -- TO WHATEVER ANALYSIS IS ONGOING. LET ME JUST GIVE YOU A BRIEF RUN DOWN OF WHAT HAPPENS HAPPENED SINCE THIS CAME BEFORE COUNCIL. COUNCIL APPROVED ON MARCH THE 10th, 2005, THE APPROPRIATION OF 100,000 TO FUND THE TOLL ROAD STUDY. AND WE THEN WORKED THROUGH OUR FINANCIAL ADVISORS TO GET ON BOARD A FIRM THAT COULD DO THE TOLL ROAD STUDY FOR US. WE FOUND A FIRM THAT WE THINK IS VERY WELL QUALIFIED BASED ON THE PROPOSALS THAT WE REVIEWED, THAT FIRM IS CHARLES RIVER ASSOCIATES. THEY ARE UNDER CONTRACT THROUGH PUBLIC FINANCIAL MANAGEMENT TO DO THAT STUDY FOR US. THE COST OF THAT STUDY BASED ON THE PROPOSALS THAT WE GOT BACK, WENT FROM 100,000 TO 144,000 AT THAT POINT UNDER THE -- UNDER THE CITY MANAGER'S AUTHORITY. AND THEY -- THEY BEGAN WORK ON APRIL THE 12th, CAME DOWN AND MET WITH REPRESENTATIVES OF CTRMA AND CAMPO AND SO ON. BUT THERE WERE, AS YOU KNOW, A NUMBER OF STAKEHOLDERS THAT WERE INTERESTED IN -- IN TRYING TO EXPAND THE -- THE SCOPE OF WORK FOR THE STUDY. AND SO AFTER A PERIOD OF -- OF DISCUSSION ON AN AMENDED SCOPE OF WORK, THERE HAS BEEN AN AGREEMENT REACHED I THINK WITH THE STAKEHOLDERS. AND THE STATUS NOW IS THAT -- THAT THERE ARE A NUMBER OF OTHER ENTITIES, INCLUDING CTRMA, TRAVIS COUNTY, HAYS COUNTY, THE CITY OF ROUND ROCK AND WILLIAMSON COUNTY, THAT I BELIEVE ARE GOING TO PARTICIPATE IN FUNDING AN EXPANDED SCOPE OF WORK AND WILL ALSO APPROVE THE INTERLOCAL AGREEMENT, WHICH IS -- WHICH IS ITEM 7 ON YOUR AGENDA TODAY. SO ULTIMATELY, I THINK THE CITY WILL PROVIDE THE INITIAL 144,000 WE HAVE COMMITTED TO ALREADY, CTRMA HAS ALREADY APPROPRIATED 125,000, AND I BELIEVE WILL APPROVE THE INTERLOCAL NEXT WEEK. TRAVIS COUNTY HAS -- HAS APPROPRIATED 25,000 AND THEY APPROVED THE INTERLOCAL AGREEMENT YESTERDAY. HAYS COUNTY HAS APPROPRIATED 10,000. AND I BELIEVE WILL APPROVE THE

INTERLOCAL NEXT WEEK. ROUND ROCK I DON'T THINK HAS EITHER APPROPRIATED THE MONEY OR APPROVED THE INTERLOCAL, BUT MY UNDERSTANDING IS THAT THEY ARE ON BOARD TO DO SO. THEN WILLIAMSON COUNTY HAS ALSO TAKEN BOTH OF THOSE ACTIONS. THEY HAVE APPROPRIATED 25,000 FOR THE STUDY AND HAVE APPROVED THE -- THE INTERLOCAL. SO THAT'S ESSENTIALLY THE STATUS OF WHERE WE ARE NOW. THE SCOPE OF WORK HAS -- HAS BEEN EXPANDED.

SO THAT NO WORK IS BEING DONE RIGHT NOW ON -- ON THE VERY LENGTHY DISCUSSION WE HAD ABOUT A YEAR AGO WHERE WE -- YOU KNOW, WHERE WE APPROVED A SCOPE OF WORK FOR THE STUDY THAT WE WANTED, AND MY UNDERSTANDING, I THINK IT WAS EXPLAINED TO US BY STAFF, THAT WE WOULD LOOK AT THOSE ISSUES WE IDENTIFIED INITIALLY AND GET SOME WORK DONE ON THAT, AND THAT WOULD INFORM THE NEXT PHASE, YOU KNOW, OF THE STUDY, WHICH -- WHICH COULD INVOLVE OTHER ENTITIES OR PARTNERS. AND SO ARE YOU SAYING NOW THAT -- THAT THERE HAS BEEN NO WORK DONE AND NOW IT'S -- THIS COMMITTEE THAT'S BEING CREATED THAT'S GOING TO OVERSEE, YOU KNOW, THAT PARTICULAR STUDY?

THERE HAS BEEN SOME WORK DONE TO THIS POINT, ALTHOUGH THERE HAD BEEN NO REPORTS ISSUED BY THE CONSULTANT. BUT THEY ONCE -- ONCE IT BECAME APPARENT THAT THE SCOPE OF WORK WAS GOING TO CHANGE, THEY HAVE NOT DONE ANY FURTHER WORK SINCE THAT POINT. ONE REASON FOR THAT IS BECAUSE THE EXPANDED SCOPE OF WORK IS GOING TO RELY VERY HEAVILY ON A TRAFFIC AND REVENUE STUDY THAT CTRMA IS FUNDING. I THINK THAT'S GOING TO PROVIDE CHARLES RIVER ASSOCIATES WITH MUCH BETTER DATA TO DO THEIR ANALYSIS OF -- OF THE TOLL ROAD AND THE ESTIMATED USAGE AND SO ON. BUT THAT -- THAT STUDY WILL NOT BE COMPLETE FOR -- FOR TWO OR THREE MONTHS, MY GUESS IS. SO AT -- YOU KNOW, THEY HAVE TEMPORARILY STOPPED WORK AT THIS POINT AND ARE WAITING FOR THE RESULTS OF THAT STUDY TO RESUME. THERE MAY BE SOME OTHER THINGS THAT THEY CAN BEGIN WORK ON AGAIN WITHOUT HAVING TO WAIT FOR THAT STUDY, BUT ESSENTIALLY ONCE IT BECAME CLEAR THAT THE SCOPE WAS GOING TO BE

EXPANDED WELL BEYOND WHAT COUNCIL HAD ORIGINALLY APPROVED, WE WAITED TO SEE WHAT THAT SCOPE OF WORK WOULD LOOK LIKE.

MAYOR?

COUNCILMEMBER MCCRACKEN?

McCracken: I JUST HAVE SOME FURTHER BACKGROUND FOR COUNCILMEMBER ALVAREZ'S QUESTION. IN ADDITION TO WHAT MR. STEVENS PROVIDED. AND THAT IS THAT IN JUNE, THE -- THE CAMPO BOARD UNANIMOUSLY APPROVED A -- A HIATUS ON THE PROGRAM AND ALSO -- ALSO APPROVED AN EXPANDED SCOPE. ALL FOUR MEMBERS OF THE CITY COUNCIL WHO WERE MEMBERS OF THE CAMPO BOARD AT THE TIME, WHICH ARE MAYOR WYNN, MAYOR PRO TEM THOMAS, COUNCILMEMBER SLUSHER, MYSELF, ALL VOTED IN FAVOR OF THAT EXPANDED SCOPE AND THE 12-MONTH HIATUS ON THE TOLL ROAD PROGRAM. WHAT THAT HAS TRIGGERED IS EXPANDED COSTS ON THE STUDY AND -- AND THAT HAS PROMPTED THE -- THIS EFFORT AT REGIONAL GOVERNMENT. BUT COUNCILMEMBER THAT IS THE -- THAT WAS THE GENESIS OF THE DELAY OF WORK BECAUSE FOUR MEMBERS OF THIS BODY, AS MEMBERS OF CAMPO, VOTED IN FAVOR OF AN EXPANDED SCOPE OF THE STUDY AND TO HALT THE TOLL ROAD PROGRAM FOR A YEAR.

Alvarez: I THINK THAT'S UNDERSTOOD. I THINK WHAT WE WERE EXPECTING WAS AN INDEPENDENT REVIEW, YOU KNOW, OF THIS -- OF THIS -- YOU KNOW OF THE PLAN ITSELF. LOOKING AT THE STRUCTURE OF THE STEERING COMMITTEE OR THE TECHNICAL ADVISORY COMMITTEE, I'M NOT SURE IF THEY ARE ONE IN THE SAME, BUT ALSO, NON-WHAT KIND OF DECISIONS THEY HAVE. I THINK I READ IN THE BACKUP THAT THEY HAVE TO APPROVE THE SCOPE OF WORK -- WHICH I JUST HAVEN'T READ IN MUCH DETAIL. BUT IF WE ARE ACTUALLY EXPRESSING THE CITY'S SUPPORT FOR A SCOPE OF WORK, I WOULD LIKE SOME TIME TO LOOK AT THAT SCOPE OF WORK. WE ALREADY HAD A REALLY EXPENSIVE DISCUSSION AS A BODY ABOUT WHAT THAT SCOPE OF WORK SHOULD INCLUDE. I WANT TO MAKE SURE THAT -- THAT ALL OF THOSE ITEMS ARE INCLUDED. AND ALSO, YOU KNOW, I WANT TO MAKE SURE THAT -- THAT THIS

COMMITTEE THAT'S CREATED, I MEAN, IT SEEMS LIKE THEY ARE THE ONE THAT'S HAVE THE ABILITY TO ACCEPT OR NOT ACCEPT A REPORT AND -- AND AGAIN NOT KNOWING WHO IS ON THE COMMITTEE, I MEAN, YOU KNOW, I'M NOT -- I'M NOT, YOU KNOW, IT'S JUST WE ARE IN A VERY DIFFERENT SITUATION THAN WHAT WE ARE DOING A STUDY, AN INDEPENDENT STUDY OURSELVES, THAN WE ARE NOW WHERE THE CTRMA, THE COUNTY, WILLIAMSON COUNTY, ROUND ROCK, AND WE GET TWO VOTES ON -- ON POTENTIALLY ON WHAT THE STUDY SAYS AND DOES, VERSUS US BEING THE MANAGERS OR THOSE DRIVING THE PROCESS. IT'S GREAT TO BE WORKING WITH EVERYONE, BUT IT DOES RAISE SOME QUESTIONS WITH ME ABOUT HOW INDEPENDENT THE STUDY IS GOING TO BE, THE FOLKS THAT WILL BE SUPPORTIVE OF THE TOLL PLAN IN THE PAST, BUT MAY BE SITTING ON THIS -- ON THIS REVIEW COMMITTEE. THAT THEY ARE NOT REALLY BEING A VERY STRONG ROLE FOR THE CITY COUNCIL. WHICH IS -- WHICH IS THE WHOLE REASON THAT WE ARE EVEN HAVING THIS DISCUSSION IS BECAUSE THE CITY COUNCIL WANTED TO SPURT TO SUPPORT AN INDEPENDENT STUDY AND REVIEW. I DON'T KNOW WHAT -- YOU KNOW, IF THE FOLKS WHO WERE SUPPORTIVE OF THIS CAN EXPLAIN, YOU KNOW, HOW -- HOW WE ARE GOING TO ASSURE THAT THERE IS INDEPENDENCE IN TERMS OF -- OF THE WORK THAT THIS COMMITTEE IS DOING.

Dunkerly: I DO WANT TO CONFIRM ONE THING. OUR SCOPE OF WORK IS STILL INTACT AND OUR PAYMENT IS STILL INTACT. WE WILL BE GETTING THAT INFORMATION THAT WE HAVE SCOPED OUT AND THAT WE HAVE PAID FOR. THE OTHER THING THAT'S CLEAR IS THAT OTHER PARTIES WANTED TO GET SOME ADDITIONAL DATA. BUILT ON OUR STUDY, I DON'T SEE THAT -- THAT WORKING TOGETHER TO GET DATA IS IN ANY WAY ENGINE DISEASING -- JEOPARDIZING THE INTEGRITY OF THE DATA WORK. THIS GROUP WILL NOT BE MAKING ANY POLICY DECISIONS. THEY ARE SIMPLY TRYING TO HAVE A VERY REPUTABLE FIRM, CHARLES RIVERS & ASSOCIATES. COME BACK WITH SOME DATA THAT WE HAVE REQUESTED THAT I THINK WE CAN USE TO MAKE OUR POLICY DECISIONS. SO -- THAT'S MY COMMENTS ON THIS PARTICULAR STUDY.

I DON'T KNOW, MAYBE IT WOULD BE HELPFUL, CAN YOU DESCRIBE HOW THE SCOPE OF WORK IS DEFINED IN THE CONTRACT VERSUS THE ROLE OF THE TECHNICAL COMMITTEE? THAT MIGHT BE HELPFUL. TO THE GROUP.

WELL, THE HE COULDCAL COMMITTEE ITSELF WILL -- THE TECHNICAL COMMITTEE ITSELF WILL NOT HAVE ANY INPUT INTO THE SCOPE OF WORK. THE STEERING COMMITTEE WITH MEMBERS THAT WOULD BE -- STILL YET TO BE APPOINTED BY THE CITY COUNCIL WOULD -- WOULD BE ABLE TO APPROVE THE SCOPE OF WORK. BUT THERE ARE 11 MEMBERS ON THE STEERING COMMITTEE THAT THE CITY APPOINTS TO CTRMA APPOINTS TWO, THEN THERE'S ONE EACH BY THE OTHER JURISDICTIONS AND THEN OUR STATE REPRESENTATIVES APPOINTED BY CAMPO. BUT WHAT I CAN DO IS I CAN TELL YOU AS COUNCILMEMBER DUNKERLY SAID, THE CITY'S ORIGINAL SCOPE OF WORK REMAINS COMPLETELY INTACT IN THE EXPANDED SCOPE OF WORK. BUT I CAN TELL YOU SOME OF THE THINGS THAT HAVE BEEN ADDED TO THE SCOPE OF WORK. I THINK TO FLESH IT OUT, MAKE IT REALLY A MORE COMPLETE STUDY OF THE PHASE 2 TOLL ROAD PLAN. ONE OF THE THINGS THAT -- THAT THE CONSULTANT WILL BE DOING IN THE EXPANDED SCOPE OF WORK IS TO REALLY LOOK AT WHAT OTHER APPROACHES ARE BEING TAKEN IN OTHER METROPOLITAN AREAS ACROSS THE UNITED STATES. IN TERMS, ESPECIALLY IN TERMS OF LOOKING AT ALTERNATIVES TO TOLL ROADS. THEN IN ADDITION THEY WILL COMPARE WHAT IS IN THE PLAN NOW USAGE, TOLERATES, THE EXISTENCE OF PARALLEL LANES ON THE TOLL ROADS, FOR EXAMPLE THE PROPOSED TOLL ROADS WITH OTHER CITIES, LOOK AT HOW AND WHEN TOLL ROAD RATES NORMALLY GET SET. DETAIL THE ASSUMPTIONS THAT ARE UNDERLYING THE ANALYSIS OF WHETHER EACH OF THE TOLL ROADS, THE THREE PROPOSED TOLL ROADS IN PHASE 2 WILL PAY FOR THEMSELVES. TRY TO DETERMINE AT WHAT POINT THE TOLL ROADS WILL BEGIN TO GENERATE SURPLUS REVENUE. AS PROPOSED. AND THEN THEY WILL DO SOME ADDITIONAL WORK JUST -- JUST ON -- ON SPECIFIC, SOME OF THE SPECIFIC PHASES OF THE TWO TOLL ROADS. AND WHETHER THOSE ROADS COULD BE BUILT IN EFFECT WITHOUT TO GO. FINALLY THEY WILL LOOK AT WHAT THE LONG-TERM

EFFECTS ARE ON THE CAMPO 2030 PLAN OF NOT UTILIZING AN ALTERNATIVE TOLLING AND SYSTEM FINANCING OPTION. BUT AGAIN ALL OF THE OTHER ELEMENTS OF THE SCOPE OF WORK AS ORIGINALLY APPROVED BY COUNCIL IN MARCH ARE IN PLACE.

MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I THINK THAT THE -- THERE ARE A COUPLE OF IMPORTANT THINGS TO REMEMBER. ONE IS AS MR. STEVENS AND COUNCILMEMBER DUNKERLY STATED, THE SCOPE IS UNCHANGED. THE SCOPE IS GOOD. EVEN THE THREE PEOPLE WHO HAVE CONTACTED THE CITY COUNCIL WHO OPPOSE THE INTERLOCAL, EVEN THEY AGREE THAT THE SCOPE IS GOOD. THE FACT REMAINS THAT ALL THAT WE ARE DOING HERE IS LOOKING AT SOME ADDITIONAL OPTIONS AS WE TRY TO FIGURE OUT A WAY TO -- TO TAKE A FRESH LOOK AT THIS. WE ALWAYS GET MORE DONE BY WORKING TOGETHER, THAN BY TRYING TO TEAR EACH OTHER APART. THIS DEBATE BECAUSE OF WHAT THE STATE FORCED ON US, FORCED US TO VOTE SO QUICKLY HAS BEEN AN INCREDIBLY UNHEALTHY EXPERIENCE. WHAT THE STATE DID IS AN EXAMPLE OF HOW NOT TO DO IT. NOW THAT WE HAVE -- WHAT WE HAVE INSTEAD IS A REGIONAL EFFORT OF COOPERATION THAT IN MY OPINION IS THE MOST -- IT'S ALREADY THE BEST EXAMPLE OF COOPERATION IN CENTRAL TEXAS HISTORY. WHEN WE FIRST PASSED THE STUDY IN MARCH, FIVE MONTHS AGO, THE FEEDBACK THAT I HEARD INITIALLY IS THIS IS GOING TO BE A HATCHET JOB. IT'S GOING TO BE A HATCHET JOB TO APPROVE, THE TOLL ROADS WILL FAIL. I PERSONALLY BELIEVE THEY WILL BASED ON THE INFORMATION -- I DO NOT BELIEVE THIS PLAN WILL SUCCEED. THAT IS MY READING OF THE INFORMATION. BUT WHEN THE CITY HIRED CHARLES RIVERS ASSOCIATES. FOR THE FIRST TIME WE HAVE HEARD PEOPLE SAYING YOU HAVE ACTUALLY HIRED SOMEONE WHO IS HIGHLY REGARDED ACROSS THE COUNTRY ON BOTH SIDES OF THIS ISSUE. I SAID WELL IT'S NEVER BEEN OUR INTENTION TO DO A HATCHET JOB. WE ARE TRYING TO GET THE STRAIGHT INFORMATION OUT THERE. IF YOU WOULD LIKE A SCENE AT THE TABLE SO THAT YOU HAVE CONFIRMATION THAT ALL OF

THE INFORMATION IS BEING CONSIDERED, THEN WELCOME. PLEASE JOIN US. AND TO THE CREDIT OF EVERYBODY INVOLVED IN THIS, THEY SAID OKAY. THE FOLKS IN FAVOR ARE TAKING A RISK JUST LIKE WE ARE BECAUSE THIS -- IT'S GOING TO SHOW SOMETHING, ONE OF THE OPTIONS CLEARING IT SHOWS THESE ROADS WILL FAIL, THEY ARE UNNECESSARY. BUT EVERYBODY IN GOOD FAITH IS SPENDING THE TIME TO GET THE STRAIGHT ANSWERS AND GIVE US THE PROCESS THAT WE NEVER GOT TO HAVE IN THE FIRST PLACE. THIS ALSO, GREAT EXAMPLE OF REGIONAL COOPERATION, LAYING THE GROUNDWORK FOR COOPERATION IN S.H. 130, THE PLANNING AROUND THERE. AS COUNCILMEMBER DUNKERLY STATED THIS COMMITTEE WILL NOT SET POLICY. IT WILL SIMPLY BE A VEHICLE WHERE -- WHERE WILLIAMSON COUNTY FOR INSTANCE CAN SAY WE HAVE INFORMATION WE CONSIDER TO BE IMPORTANT. THEY WILL MAKE SURE THAT IT'S BEFORE THE CONSULTANT. SO WILL THE CITY OF AUSTIN, SO WILL THE CTRMA. EVERYBODY WILL KNOW AT THE END OF THE DAY THAT ALL OF THE INFORMATION THEY CONSIDER TO BE IMPORTANT HAS BEEN PRESENTED TO THE CONSULTANT. BUT THEN THE CONSULTANT WILL GO OFF INTO A ROOM SOMEWHERE IN BOSTON, WE WON'T HEAR FROM THEM, THEY WILL PRODUCE AN INDEPENDENT ANALYSIS OF THIS. SO -- SO EVERYBODY AGREES THE STUDY IS GOOD. THERE WILL NOT BE A VOTE ON WHETHER TO IMPLEMENT THIS, IT'S JUST A MONITORING BODY. IF THERE'S SOME ATTEMPT TO HIJACK THE SCOPE, WHICH WON'T HAPPEN, BUT IF IT DID, WE COULD TAKE OUR TOYS AND GO HOME. SO I THINK THAT WE HAVE LOTS OF LAYERS OF PROTECTION IN THIS.

COUNCILMEMBER ALVAREZ.

I THINK THAT I WOULD BE A LITTLE MORE COMFORTABLE, IF WE WERE SAYING THIS IS A GOOD SCOPE, BUT LEAVING IT TO THE STEERING COMMITTEE TO DECIDE WHAT THE FINAL SCOPE OF WORK IS. ONCE WE SIGN-OFF ON THAT, WE ARE BASICALLY SAYING WHOEVER IS ON THE STEERING COMMITTEE IS GOING TO GET TO DECIDE WHAT THE FINAL SCOPE IT, WE REALLY WOULD BE [INDISCERNIBLE] TO SAY NO DON'T CHANGE THE WORK, YES GO AHEAD AND CHANGE THE SCOPE OF WORK. SO -- THAT'S PART OF WHAT I DON'T UNDERSTAND IN THE SCOPE OF STUDY. THE FINAL SCOPE

OF WORK SHALL BE APPROVED BY A VOTE OF THE STEERING COMMITTEE MEMBERS AND SHALL THEN DEFINE THE WORK TO BE PERFORMED. THIS IS TO ADDRESS THE COMPLETION OF THE PLAN OF THE STUDY. AND SO WHY IS THAT BEING LEFT OPEN LIKE THAT? SUCH THAT -- THAT IT COULD BE SIGNIFICANT CHANGES TO THE -- TO THE SCOPE OF WORK. THERE CAN'T BE SIGNIFICANT CHANGES TO THE SCOPE OF WORK FOR A VERY PRACTICAL REASON, COUNCILMEMBER. IT'S BECAUSE THIS THING IS PRICED. AND IT'S PRICED AT -- AT AROUND \$345,000. THAT'S WHAT EVERYBODY HAS CONTRIBUTED. YOU CAN'T ADD OR SUBTRACT FROM THE THING WITHOUT THROWING OFF THE - - THROWING IT OFF. IN TERMS OF THROWING OFF WHAT -- WHAT WE CAN AFFORD TO DO. ALSO, COUNCILMEMBER DUNKERLY AND I AS THE REPRESENTATIVES OPERATE AT THE WILL OF THE COWBOY. SO THE COUNCIL COULD ALWAYS EITHER REPLACE US OR GIVE US DIRECTION ON SCOPE.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: THE PROBLEM IS YOU ALL MAY BE ADVOCATING FOR EVERYTHING THAT I MAY WANT TO BE ADVOCATED FOR ON THE COMMITTEE, BUT YOU ARE TWO OUT OF 11 PEOPLE ON THE COMMITTEE. AND THAT'S CONFIDENT GENESIS OF MY CONCERNS, JUST WITH REGARD TO -- TO HOW THIS IS PROCEEDING. THERE WAS A COUPLE OF E-MAILS REGARDING PUBLIC OR OPEN MEETINGS LAWS, YOU KNOW, WHAT IS THE STATUS OF THAT, OR WHAT -- HOW DOES THE OPEN MEETINGS LAWS APPLY TO THIS PARTICULAR PROCESS BECAUSE -- FROM WHAT I'M READING HERE, THIS IS A TECHNICAL ADVISORY COMMITTEE THAT FALLS UNDER THE RMA. BASICALLY THEY ARE DESIGNATING -- THERE'S A TECHNICAL ADVISORY COMMITTEE THAT IS SUPPOSED TO APPOINT THE STEERING COMMITTEE AND I BELIEVE THAT THAT TECHNICAL ADVISORY COMMITTEE HAS SOME KIND OF RELATIONSHIP WITH THE RMA.

THE TECHNICAL ADVISORY COMMITTEE WILL REALLY BE MORE LIKE STAFF FROM THE ENTITIES, MYSELF, FOR EXAMPLE. OR STAPH FROM CTRMA. THE STEERING COMMITTEE IS WILL -- REALLY THE ONES TO RECEIVE THE REPORTS FROM THE CONSULTANT, ALL OF THOSE

MEETINGS ARE EXPECTED TO BE POSTED, ALL OF THE STEERING COMMITTEE MEETINGS WILL BE POSTED AND IN ADDITION THERE WILL BE AT LEAST ONE PUBLIC MEETING WHERE THE CONSULTANTS AND THE STEERING COMMITTEE WILL TAKE INPUT FROM THE PUBLIC ON THE STUDY.

JOHN, MAYBE CAN YOU SPEAK TO AS A PRACTICAL MATTER THE FACT THAT OUR CORE SCOPE HAS BEEN REVIEWED BY ALL OF THE OTHER ENTITIES, BASICALLY WITH SIGNOFF?

YES, THIS SCOPE, ALONG WITH THE INTERLOCAL AGREEMENT THAT'S BEFORE YOU TODAY IN THE SCOPE OF WORK THAT'S ATTACHED TO IT, THAT HAS BEEN, YOU KNOW, THAT'S BEEN AROUND FOR SEVERAL WEEKS NOW IN THE SAME FORM THAT IT IS NOW. IT HAS GONE TO ALL OF THE JURISDICTIONS WHO ARE INCLUDED AS THE FUNDING PARTNERS, SO THEY HAVE -- THEY HAVE SEEN BOTH THE SCOPE OF WORK AND BOTH THE INTERLOCAL AGREEMENT. I'M NOT AWARE OF ANY CHANGES THAT ARE GOING TO BE PROPOSED TO THE SCOPE OF WORK AT THIS POINT. BUT I THINK IN PUTTING THE INTERLOCAL AGREEMENT TOGETHER, SINCE REALLY MORE THAN HALF OF THE FUNDING IS COMING FROM OTHER JURISDICTIONS AT THIS POINT. THEY JUST WANT TO BE ABLE TO HAVE THE OPPORTUNITY TO PERHAPS MAKE SOME MINOR CHANGES. THERE HAVE BEEN MINOR CHANGES PROPOSED ALL ALONG. CTRMA HAS SOME CHANGES THEY WANTED MADE TO THE SCOPE OF WORK, SOME OF THOSE WERE REALLY WHAT I WOULD CONSIDER RELATIVELY MINOR WORDING CHANGES.

Alvarez: I WOULD JUST FEEL MORE COMFORTABLE IF ANY CHANGES TO THAT SCOPE OF WORK WOULD HAVE TO RECEIVE SOME KIND OF CONSIDERATION BY THIS BODY, SINCE -- SINCE AGAIN WE WERE THE ONES WHO INITIATED THIS PROCESS AND -- AND WANT TO MAKE SURE THAT WE ARE ABLE TO PROTECT THE INTEGRITY OF THE INDEPENDENCE OF THE PROCESS.

TO -- TO MAKE THAT CHANGE, JOHN, EXPLAIN AS A PRACTICAL MATTER WHAT WOULD HAVE TO HAPPEN LOGISTICALLY NOW.

WELL, MOST OF THE OTHER ENTITIES, INCLUDING

WILLIAMSON COUNTY AND TRAVIS COUNTY, HAVE APPROVED THE INTERLOCAL AGREEMENT AS IT STANDS NOW, SO -- SO IF WE WERE TO MAKE A CHANGE TO THE AGREEMENT IT WOULD HAVE TO GO BACK OUT IN -- IN -- BACK OUT TO THE ENTITIES FOR THEIR APPROVAL AGAIN.

JUST A POINT OF INFORMATION. NOT A --

COUNCILMEMBER MCCRACKEN?

McCracken: THIS IS A STUDY, NOT A POLICY MAKING EFFORT. AND -- WE NEVER HAVE STEERING COMMITTEES FOR STUDIES. THE ONLY REASON WHY WE HAVE A STEERING COMMITTEE FOR THIS STUDY IS BECAUSE OF THE -- OF THE - - THIS ISSUE HAS BEEN SO DIVISIVE THAT EVERYBODY IS VERY CONCERNED THAT ALL OF THE INFORMATION IS CONSIDERED. AND THAT IS THE -- THE REALLY ALL OF THE -- ALL THAT THE STEERING COMMITTEE DOES. SO FOR INSTANCE THAT THE RMA AND THE CITY OF AUSTIN AND WILLIAMSON COUNTY AND HAYS COUNTY ALL -- AND ROUND ROCK AND TRAVIS COUNTY, THEY ALL -- WE ALL KNOW THAT THE INFORMATION THAT WE ALL BELIEVE TO BE IMPORTANT HAS BEEN PRESENTED TO THE CONSULTANT RATHER THAN ANY SIDE BELIEVING THAT IT WAS A HATCHET JOB OR A SLANTED SET OF FACTS PRESENTED TO THE CONSULTANT. BUT WHAT REALLY WHAT WILL HAPPEN IS THE CONSULTANT COULD HAVE JUST GONE OFF AND DONE THIS SCOPE BY THEMSELVES WITH NO INPUT. WHAT WE ARE DOING IS SOMETHING -- SOMETHING UNPRECEDENTED IN TERMS OF -- OF HAVING SOME -- SOME OPPORTUNITY FOR EVERYBODY TO MAKE SURE -- THIS HAS BEEN NEGOTIATED, PASSED UNANIMOUSLY BY CAMPO, PASSED UNANIMOUSLY INCLUDING FOUR MEMBERS OF THIS BODY, PASSED UNANIMOUSLY PEOPLE FOR TOLL ROADS AND AGAINST THEM. THE SCOPE IS THERE. WE MAY RUN INTO ADMINISTRATIVE ISSUES AS WE GO ALONG. IT MAY TURN OUT A TRAFFIC AND REVENUE STUDY MAY BE SLOWER FOR ONE ROAD THAN OTHER. WE MAY NEED TO MAKE ADJUSTMENTS, WE NEED SO TO HAVE SOME ADMINISTRATIVE FLEXIBILITY ON THAT. BUT THE SCOPE CANNOT RADICALLY CHANGE BECAUSE THERE'S NOT ENOUGH MONEY FOR IT TO RADICALLY CHANGE. WHAT IT IS IS THAT THE SCOPE OF STUDY, WHICH EVERYBODY IS IN

FAVOR OF, IT'S PRETTY DANG NEAR SET IN STONE. IT'S WE MAY HAVE ADMINISTRATIVE ISSUES THAT MAY REQUIRE ADJUSTMENTS BASED ON THINGS LIKE TIME TABLES. ING.

MAYOR, ALL OF THE ASSURANCES THAT THE COUNCIL HAS IS THAT WE HAVE APPROVED 144,000 FOR THIS STUDY. ANY CHANGE IN OUR SCOPE REQUIRING ADDITIONAL DOLLARS WOULD HAVE TO BE BROUGHT BACK TO COUNCIL FOR APPROVAL. SO I THINK THAT IS ANOTHER GUARANTEE, BUT AGAIN THIS IS NOT A POLICY ISSUE. IT IS SIMPLY TRYING TO GET EVERYBODY TO AGREE ON WHAT THE DATA IS. I THINK THE STEERING COMMITTEE, WHEN I THINK ABOUT IT IS, IT IS VERY SIMILAR TO WHAT WE USED DOING THE COMBINED CENTER. BECAUSE WE HAD SO MANY DIFFERENT ENTITIES INVOLVED, WE HAD A LITTLE STEERING COMMITTEE SO THAT EACH ENTITY WAS INVOLVED COULD GET THOSE PERIODIC UPDATES AND THINGS LIKE THAT. AND WE CERTAINLY DIDN'T CHANGE ANYTHING WITH THAT COMING BACK THAT REQUIRED MONEY OR ANYTHING LIKE THAT, WITHOUT COMING BACK TO OUR BOARD. SO I THINK THAT'S IN MORE ON THE ORDER OF WHAT IT MIGHT BE CONSIDERED.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS?

Alvarez: YEAH.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I THINK MAYBE, AGAIN, IF I CAN GET MORE EXPLANATION, ITEM NO. 2, PAGE 3 OF THE INTERLOCAL SAYS UNDER SCOPE OF STUDY, PRELIMINARY DRAFT OF THE SCOPE OF WORK IS ATTACHED, THE FINAL SCOPE OF WORK SHALL BE APPROVED BY THE STEERING COMMITTEE MEMBERS AND SHALL THEN DEFINE THE WORK TO BE PERFORMED AND THE ISSUES TO BE ADDRESSED IN THE COMPLETION OF THE MOBILITY PLAN STUDY. SO -- NOW IF THERE'S SIGNIFICANT CHANGES IN THE SCOPE OF WORK, I UNDERSTAND THE -- THAT YOU CAN'T ADD ANYTHING, BUT IT IS POSSIBLE TO DELETE SOME THINGS AND REPLACE THEM WITH OTHER THINGS, I'M JUST TRYING TO PLAY DEVIL'S ADVOCATE HERE, BUT IF WE SIGN-OFF ON THIS TODAY, AND THEN THERE ARE CHANGES TO THE SCOPE OF WORK, HOW CAN WE WITHHOLD OUR FUND? DOESN'T THIS INTERLOCAL

AGREEMENT REQUIRE THAT WE HAND OVER THOSE FUNDS?

THE INTERLOCAL AGREEMENT ADDRESSES A METHOD FOR PAYMENT, ASSUMING THE CONSULTANT GOES AHEAD AND GOES FORWARD WITH THE STUDY. I BELIEVE PRACTICALLY SPEAKING THAT THERE'S JUST GOING TO BE A LOT OF DISCUSSION IF THERE ARE ANY MAJOR CHANGES TO THE SCOPE PROPOSED, THERE'S GOING TO BE A LOT OF DISCUSSION AMONG ALL OF THE PARTIES INVOLVED AND SO CERTAINLY WE WILL BE REPRESENTED BY TWO MEMBERS OF THE STEERING COMMITTEE AS OPPOSED TO A LOT OF THE OTHER JURISDICTIONS HAVING ONLY ONE MEMBER. BUT MY GUESS IS IF THERE ARE ANY MAJOR CHANGES TO THE SCOPE, THAT THERE WILL BE A LOT OF DISCUSSION AMONG THOSE MEMBERS AND PERHAPS WITH, YOU KNOW, MEMBERS OF THEIR REPRESENTATIVE BOARDS BEFORE THE CHANGES ARE MADE.

AND COUNCILMEMBER, I MEAN, I THINK LOGISTICALLY, WHAT YOU ARE SAYING IS CORRECT. IT'S JUST THAT PRACTICALLY, OUR -- OUR BASE SCOPE OF WORK IS THE FOUNDATION OF THIS STUDY. IT IS THE -- IT IS THE NEWER SCOPE OF WORK THAT COMES WITH THE OTHER ENTITY'S DOLLARS, THAT REALLY IS WHERE THE MOVEMENT IS. AND IS PROBABLY THE REASON FOR THAT CLAUSE, JOHN. OUR SCOPE OF WORK HAS TO HAPPEN FOR ANY OF THE REST OF IT TO HAPPEN. SO IT'S NOT -- THE SCOPE OF WORK THAT YOU APPROVED IS REALLY THE CORE WORK THAT OCCURS. IT'S JUST PRACTICALLY -- IT ISN'T WHERE THE CHANGES WILL OCCUR. ANY TWEAKING OF CHANGES IN THE SCOPE OF WORK WILL OCCUR WITH THE ADD-ON SCOPE OF WORK. JOHN, CORRECT ME IF I'M WRONG, THAT'S MY UNDERSTANDING OF HAVING LOOKED AT THAT EARLY ON.

THAT'S CORRECT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I HAVE TO CONFESS THAT I SHARE SOME OF COUNCILMEMBER ALVAREZ'S CONCERNS ABOUT THE MAKE UP OF THE STEERING COMMITTEE AND THE VOTING POWER AMONG -- ALLOCATED AMONG THE RELATIVE PARTICIPANTS. THIS IS SOMEWHERE REFLECTIVE OF CAMPO IN GENERAL,

WHICH IS IN MY OPINION HAS ALWAYS BEEN BASICALLY AN UNDEMOCRATIC BODY IN THAT THERE'S NOT A ONE MAN, ONE VOTE CONCEPT IN CAMPO ITSELF. I BELIEVE MAYOR GARCIA A FEW YEARS AGO MADE SOME ATTEMPTS AT CORRECTING THAT. THAT BEING SAID, I'M REASSURED BY THE COMMENTS FROM -- FROM COUNCILMEMBER MCCRACKEN AND THE CITY MANAGER AND COUNCILMEMBER DUNKERLY. THIS IS NOT A POLICY MAKING BODY. I BELIEVE IF THERE WERE SIGNIFICANT CHANGES PAID TO THE SCOPE THAT WERE DETRIMENTAL TO THE CITY OF AUSTIN'S INTERESTS THAT OUR -- THAT OUR REPRESENTATIVES ON THAT BODY WOULD -- WOULD INFORM US OF THAT. I BELIEVE AT THAT POINT THAT THE ENTIRE STUDY WOULD LOSE ITS CREDIBILITY SO I'M NOT REALLY CONCERNED ABOUT THAT BEING A BEING A PRACTICAL POSSIBILITY, SO I WILL SUPPORT THE MOTION.

Alvarez: I JUST WANT --

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: THEN THE LAST PART OF THAT, OF THAT SECTION AT THE BOTTOM OF PAGE 3 THAT SAYS, YOU KNOW, ASSUMING THE SCOPE STAYS THE SAME THAT IT CURRENTLY IS, AND IT SAYS THAT THE STEERING COMMITTEE SHALL DEFINE THE WORK TO BE PERFORMED AND THE ISSUES TO BE ADDRESSED IN THE COMPLETION OF THE MOBILITY PLAN STUDY, SO WHAT DOES THAT REFER TO? SPECIFICALLY?

I'M SORRY, CAN YOU READ THAT AGAIN. I DON'T HAVE THAT LANGUAGE IN FRONT OF ME.

Alvarez: IT SAYS -- I THINK THAT IT REFERS TO THE STEERING COMMITTEE, BUT IT SAYS THAT THE COMMITTEE SHALL THEN DEFINE THE WORK TO BE PERFORMED AND THE ISSUES TO BE ADDRESSED IN THE COMPLETION OF THE MOBILITY PLAN STUDY. SO WHAT -- WHAT KIND OF -- WHAT KIND OF DISCRETION IS THERE IN TERMS OF, YOU KNOW, WHAT WORK GETS PERFORMED VERSUS WHAT WORK DOES NOT GET PERFORMED, WHAT ISSUES GET ADDRESSED, WHAT ISSUES DO NOT GET ADDRESSED. I'M WONDERING WHY THAT LANGUAGE IS IN THERE.

THE KEY WORDS WERE AT THE COMPLETION OF THE STUDY.

Alvarez: I'M SORRY?

I BELIEVE IN PART, COUNCILMEMBER, THAT JUST ADDRESSES THE LOGISTICS OF HOW THE STUDY IS CARRIED OUT.

Futrell: COUNCILMEMBER, THE WORDS IN THAT PORTION SAY AT THE COMPLETION OF THE STUDY, DO THEY NOT?

Alvarez: ISSUES TO BE ADDRESSED IN THE COMPLETION OF THE STUDY. TONIGHT OBEY IN THE COMPLETION OF THE -- TONY PARKER IN THE COMPLETION OF THE STUDY. THEN IT'S JUST THE EXECUTION, RIGHT?

I THINK IT JUST ADDRESSES THE LOGISTICS OF HOW THE INFORMATION IS SHARED AMONG THE PARTIES, HOW, YOU KNOW, WHAT -- AT WHAT FREQUENCY THE CONSULTANT WOULD REPORT BACK TO THE STEERING COMMITTEE AND SO ON. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I THINK THE LANGUAGE WAS TRYING TO REFLECT THAT.

McCracken: MAYOR? I'LL GIVE YOU AN EXAMPLE. AT THE BASIC LEVEL OF OUR PROBLEM IS NO ONE EVEN KNOWS WHAT THE NUMBERS ARE. WE HAD ONE CAMPO MEETING THAT WE WERE TOLD THAT THE WHOLE PROGRAM WOULD COST \$750 MILLION, AND A MONTH LATER WE WERE TOLD IT WOULD COST \$1.75 BILLION. SO IN OTHER WORDS, CAMPO STAFF INCREASED THE COST OF THIS PROGRAM BY ONE BILLION DOLLARS IN A ONE-MONTH PERIOD. SO THE PROBLEM WE'VE ALL WRESTLED WITH ON CAMPO IS WE'VE NEVER KNOWN WHAT OUR OPTIONS WERE. THIS IS THE FIRST TIME EVERYBODY ON ALL SIDES OF THIS ISSUE SAID, YOU KNOW, YOU CAN BE FOR TOLL ROADS OR AGAINST THEM, BUT LET'S AT LEAST FIGURE OUT WHAT OUR OPTIONS ARE. SO THERE IS UNANIMOUS SUPPORT AMONG FOLKS FROM THE RMA TO MEMBERS OF US FROM THE CITY OF AUSTIN AND HAYS COUNTY WHO WE ALL WANT TO KNOW WHAT OUR OPTIONS ARE BECAUSE THE NUMBERS HAVE BEEN WILDLY AYE RATING AND THIS THING WAS FORCED ON US TOO FAST, AND WE EVEN HAVE AGREEMENT FROM

TXDOT THAT THE PROCESS WENT TOO FAST. SO WE'RE MAKING GOOD PROGRESS. EVERYTHING THAT'S ALREADY IN THE CURRENT SCOPE BEFORE US, COUNCILMEMBER, HAS BEEN EXHAUSTIVELY NEGOTIATED DOWN TO LITTLE WORDS. SO I THINK WHAT YOU -- BASED ON THE LEVEL OF WORK ON THIS, OF WHAT'S GONE INTO THIS TO DATE, WE'RE TALKING ABOUT ADMINISTRATIVE ISSUES THAT WILL COME UP IN TERMS OF WHEN THE TRAFFIC AND REVENUE STUDIES MAY BE COMPLETED AND THE PHASING OF THAT KIND OF STUFF. WE'RE NOT TALKING ABOUT ANYTHING OTHER THAN MINOR TWEAKS BASED ON ADMINISTRATIVE ISSUES.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I'VE BEEN FOLLOWING WHAT'S BEEN GOING ON WITH THIS STUDY A LITTLE BIT, NOT A WHOLE LOT, NOT DOWN TO THE DETAILS OF THE SCOPE. I'VE JUST LOOKED IT OVER. BUT I THINK THERE IS A GENERAL CONSENSUS THAT WE DO WANT TO HAVE REGIONAL COOPERATION. AND THAT INCLUDES TRANSPORTATION. IT DOESN'T MAKE SENSE FOR US TO BE FUNDING INDEPENDENT STUDIES WHEN WE COULD ALL BE BENEFITTING FROM THE DATA. PART OF THAT PROCESS COMES TO AGREEING ON WHAT THE UNDERLYING ASSUMPTIONS ON WHERE WE TAKE FROM THAT HOW WE'RE GOING TO GATHER THE DATA. SO I THINK THAT COUNCILMEMBER ALVAREZ JUST WANTS -- FROM MY UNDERSTANDING WANTS TO BE SURE THAT THE CITY'S INTEREST IS PROTECTED AND WE ARE GETTING GOOD DATA, WE ARE BASING IT ON ASSUMPTIONS WE CAN ALL AGREE ON. AS WE KNOW, ASSUMPTIONS WILL DRIVE WHAT THE RESULT IS. AND THEN WE WILL TAKE THAT AND MAKE OUR OWN POLICIES WITH CAMPO AND AS A CITY COUNCIL. SO I THINK THAT PARTNERING IS DEFINITELY A GOOD IDEA BECAUSE WE AS A REGION ARE GOING TO BE IMPACTED. ALL THE COMMUNITIES THAT ARE INVOLVED HERE. IT'S ALL -- ALL OF US WILL BE PAYING A PRICE IN TERMS OF TOLL ROADS, NOT JUST THE DOLLARS, BUT ALSO THE SOCIAL COSTS AND WE CAN ALL BENEFIT FROM LEARNING AND WORKING TOGETHER THROUGH THIS PROCESS. SO I WILL BE SUPPORTING THIS STUDY AND OUR PARTNERSHIP.

McCracken: MAYOR, I'LL MOVE APPROVAL.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NUMBER 7 AS POSTED. SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, I WANTED TO SUGGEST OR OFFER A FRIENDLY AMENDMENT THAT SAYS THAT ANY CHANGES TO THE SCOPE OF WORK WOULD HAVE TO BE APPROVED BY ALL THE BODIES, ALL OF THE MEMBERS OF THE STEERING COMMITTEE VERSUS BY THE STEERING COMMITTEE ITSELF. AGAIN, I REALLY THINK THAT THAT -- THIS IS KIND OF REALLY CHANGED THE CITY'S ROLE IN ALL OF THIS IN TERMS OF US HAVING A LITTLE MORE CONTROL OF THE STUDY AND THE PROCESS, AND I THINK WE'RE GIVING UP A LOT OF CONTROL HERE AND WE ARE BEING ASKED TO TAKE A LOT ON FAITH. AND I PERSONALLY FEEL THAT THAT ISN'T TOO MUCH TO ASK. I'M NOT SURE WHY WE WERE THE LAST OR ONE OF THE LAST TO BE HERE CONSIDERING THIS FOR APPROVAL, BUT I DON'T THINK THAT THAT SHOULD LIMIT OUR ABILITY TO SAY HOW CAN WE STRENGTHEN THIS PARTICULAR DOCUMENT. AND SO I WOULD OFFER THAT AS A FRIENDLY AMENDMENT THAT ANY CHANGES TO THE -- TO THE PRELIMINARY SCOPE OF WORK WOULD HAVE TO BE APPROVED BY THE ENTITIES THAT ARE REPRESENTED ON THE STEERING COMMITTEE.

McCracken: MAYOR, I'LL FIRST PREFACE BY SAYING ANY CHANGES IN THE SCOPE OF THE WORK WOULD REQUIRE A BUDGET AMENDMENT. IT WOULD COME BEFORE US FOR APPROVAL IN THAT REGARD BECAUSE WE ARE AT THE CAP OF THE MANAGER'S AUTHORITY TO DO ANYTHING ABOVE. SO ANYTHING THAT WOULD COME BEFORE US TO CHANGE THE COST WOULD HAVE TO COME TO COUNCIL ANYWAY. THAT SAID, I DO NOT ACCEPT THAT AS A FRIENDLY AMENDMENT. WHAT I PLEDGE TO YOU I WILL DO IS I WILL BRING THAT FORWARD AT THE FIRST MEETING OF THE STEERING COMMITTEE TO GAIN ASSURANCE -- I DON'T ACCEPT IT FOR A PRACTICAL MEETING. WE DIDN'T HAVE A MEETING LAST WEEK, SO THAT'S WHY WE ENDED UP WHERE WE ARE. WE WOULD REQUIRE EVERY GOVERNMENTAL ENTITY THAT'S VOTE ODD THIS TO GO BACK AND REVOTE ON THIS AT THAT POINT. AND THAT WOULD SLOW THIS PROCESS DOWN BY AN

ADDITIONAL MONTH IN ALL LIKELIHOOD, SO I'D RATHER TAKE THAT UP AT THE FIRST STEERING COMMITTEE MEETING AND BRING IT BACK TO YOU. AND IF YOU TELL ME WHAT YOU WANT, I WILL BRING IT FORWARD AND COME BACK TO COUNCIL.

Dunkerley: MAYOR? ADDITIONALLY I THINK CERTAINLY I AND I'M SURE COUNCILMEMBER MCCRACKEN WILL DO THAT, WE'LL BE MAKING PERIODIC REPORTS TO THE COUNCIL AS TO THE STATUS OF THE REPORT AS WELL AS TO THE LAND USE SUBCOMMITTEE. SO WE'LL KEEP ALL OF YOU APPRISED AS TO WHAT'S GOING ON AS IT'S GOING ON.

McCracken: MAYOR, I HAVE A --

Alvarez: MAYOR, I HAVE A QUESTION ABOUT THE TIME LINE FOR THE CITY. HOW LONG DO WE THINK THE STUDY IS GOING TO TAKE TO COMPLETE?

MY DPES IS THAT IT WILL PROBABLY BE JUNE BEFORE THE STUDY WILL BE AVAILABLE IN ITS COMPLETE FORM, GIVEN THE TIME FRAME THAT IS GOING TO BE PROJECTED FOR THE TRAFFIC AND REVENUE STUDY, WHICH I THINK WILL BE A SIGNIFICANT PART OF THE INFORMATION THAT THE CONSULTANT WILL NEED TO DO THE STUDY.

Alvarez: OKAY. THANK YOU, MAYOR. KIND OF TAKING THAT ALL INTO ACCOUNT, MAYOR, I DON'T THINK I'M GOING TO BE ABLE TO SUPPORT THE MOTION. MY ASSUMPTION WAS THAT THE SCOPE OF WORK THAT THE CITY COUNCIL HAD DEVELOPED WAS GOING TO BE UNDERTAKEN, AND THAT THIS NEXT PROCESS THAT INVOLVES THE STEERING COMMITTEE AND OTHER ENTITIES WOULD BE INFORMED BY THAT INFORMATION AND WE WOULD HAVE SOME INFORMATION TO LOOK AT WHAT ADDITIONAL INFORMATION NEEDS THERE ARE. AND NOW WE'RE SAYING WE'RE NOT EVEN GOING TO SEE ANYTHING UNTIL JUNE OF 2006. AND SO THAT'S REALLY MY MOST -- THE AREA WHERE I'M MOST CONCERNED IS THAT I THOUGHT THIS WHOLE TIME THERE WAS SOME WORK BEING DONE ON THAT -- ON THE PLAN OR THE FINANCIAL INFORMATION THAT WAS -- HAS ALREADY BEEN PRESENTED AND THAT AGAIN COULD INFORM ANY ADDITIONAL STUDIES OR COULD INFORM US OR IDENTIFY

THE NEED FOR ADDITIONAL INFORMATION THAT WE COULD PURSUE. SO I THINK WE'RE AT A VERY DIFFERENT PLACE THAN I THOUGHT WE WERE, AND THAT'S PART OF THE REASON I'M NOT COMFORTABLE SUPPORTING THIS AT THIS TIME.

McCracken: MARY, I JUST WANT TO OFFER -- MAYOR, I JUST WANT TO OFFER SOMETHING I FOUND TO BE REASSURANCE ON THAT POINT, COUNCILMEMBER, AND IT'S THIS: THERE WILL BE NO ABILITY TO DO A TOLL ROAD WHILE THE STUDY IS GOING ON. FOR TWO REASONS. ONE IS THE CAMPO BOARD VOTED UNANIMOUSLY, INCLUDING MAYOR WYNN, MAYOR PRO TEM THOMAS, COUNCILMEMBER SLUSHER AND MYSELF ALL VOTED FOR A ONE-YEAR HIATUS WITH THIS TO COME BACK IN JUNE, AT THE CAMPO MEETING THIS PAST JUNE. THE SECOND IS THAT THESE ROADS ARE NOT FINANCEABLE WHILE THIS STUDY IS OUT THERE. NO BOND HOUSE WILL ISSUE BONDS. IT WILL BE IN IMPOSSIBLE TO FINANCE THESE ROADS AS TOLL ROADS WHILE THIS STUDY IS GOING ON. AND SO WHAT THAT MEANS IS THE LONGER THIS GOES ON, THE LONGER THERE -- THE TOLL ROAD PROGRAM IS DELAYED, WHICH IS FINE BY ME, BUT FOR FOLKS WHO ARE HOPING TO SPEED UP THE TOLL ROAD PROGRAM, THIS STUDY IS A BREAK ON THAT.

JUST ONE LAST THOUGHT. JOHN, ARE THERE ANY BENCHMARK DATA THAT WILL BE PRESENTED AS THE PROCESS MOVES THROUGH TILL JUNE?

I THINK THAT'S ENTIRELY POSSIBLE. I THINK ONE OF THE PIECES OF WORK THAT THE CONSULTANT WILL DO IS LOOK AT OTHER METROPOLITAN AREAS, LOOK AT WHETHER THEY'VE BEEN SUCCESSFUL IN IMPLEMENTING ALTERNATIVES TO TOLL ROADS AND SO ON. SO I THINK AS AN INTERIM PRODUCT, THAT'S INFORMATION THAT COULD BE REPORTED TO THE STEERING COMMITTEE. IT'S JUST THAT THE FINAL PRODUCT IN TOTAL IS NOT EXPECTED UNTIL JUNE.

Mayor Wynn: SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM NUMBER 7 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER ALVAREZ VOTING NO. COUNCIL, I BELIEVE THAT'S ALL OF OUR POTENTIAL DISCUSSION ITEMS PRIOR TO THE NEED TO GO INTO CLOSED SESSION TO TAKE UP A COUPLE OF POTENTIAL LATER DISCUSSION ITEMS. SO WITHOUT OBJECTION, PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, WE WILL NOW GO INTO CLOSED SESSION TO TAKE UP POTENTIALLY AGENDA ITEMS 44 RELATED TO THE AUSTIN AIRPORT HILTON, WHICH ALSO RELATES TO ITEM NUMBER 6, WHICH IS PULLED OFF THE CONSENT AGENDA EARLIER. ITEM NUMBER 45 RELATED TO A DRAINAGE PROJECT AT THE NORTHEAST CORNER OF PLEASANT VALLEY AND EL MONT DRIVE THAT RELATES TO ITEM 50 ON OUR AGENDA. ITEM 47, THE STATE OF TEXAS RELATED TO JOHN FRANCIS CURRAN, THE THIRD. 48, THE CITY OF AUSTIN VERSUS FPL ENERGY, UPTON WIND 1 LP AND ITEM NUMBER 49 RELATED TO WATER QUALITY AND IMPERVIOUS COVER REGULATIONS. I EXPECT US TO BE BACK IN OPEN SESSION FOR THE NOON GENERAL CITIZEN COMMUNICATION. WE'LL THEN LIKELY GO BACK INTO CLOSED SESSION AND COME OUT AROUND 1:30 FOR OUR ITEMS RELATED TO THE MEXICAN AMERICAN CULTURE CENTER. WE ARE NOW IN CLOSED SESSION.

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL CALL BACK THIS MEETING BACK TO RECORD. WE HAVE BEEN IN CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEMS 44 AND 48. IN DECISIONS WERE MADE. WE'LL NOW GO, 20 MINUTES LATE, I APOLOGIZE, TO OUR CITIZENS COMMUNICATION. OUR FIRST SPEAKER IS MR. PAUL ROBBINS. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAT JOHNSON.

GOOD AFTERNOON, CITY MANAGER, CITIZENS OF AUSTIN. MY NAME IS PAUL ROBBINS, I'M AN ENVIRONMENTAL AND CONSUMER ADVOCATE. I'VE APPEARED SEVERAL TIMES IN RECENT MONTHS TO PROTEST UNFAIR COSTS AND POLICIES BY TEXAS GAS SERVICE. THIS IS THE MAIN PROVIDER OF NATURAL GAS TO THE AUSTIN AREA AND A UTILITY THAT THE

CITY GOVERNMENT DIRECTLY REGULATES. GIVEN THAT I STARTED LODGING COMPLAINTS AND SUGGESTIONS FOR RESOLUTION BACK IN JANUARY OF THIS YEAR, I'M A BIT DISAPPOINTED BY THE LACK OF ACTION AND INITIATIVE TO DATE. ONE OF THE COMPLAINTS THAT I'VE MADE IS ABOUT A TECHNICALITY WHERE TEXAS GAS SERVICE HAS AVOIDED PAYING THE CITY \$3 MILLION A YEAR IN FRANCHISE FEES. THE 1986 FRANCHISE AGREEMENT STATES THAT AUSTIN WILL RECEIVE FIVE PERCENT OF GROSS REVENUE AS A FRANCHISE FEE, BUT SINCE LARGE CUSTOMERS BEGAN BUYING GAS DIRECTLY FROM SUPPLIERS, THAT IS, LARGE BUSINESSES AND INSTITUTIONS, THEY ARE NOW PAYING THE FRANCHISE FEE ONLY FOR TRANSPORTATION COSTS, WHILE EVERYONE ELSE PAYS FOR TRANSPORTATION AND FUEL. I URGED THE CITY TO RENEGOTIATE THIS AND STATED THAT SINCE TEXAS GAS SERVICE FRANCHISE EXPIRES IN NOVEMBER OF NEXT YEAR, THERE IS AN INCENTIVE FOR TEXAS GAS SERVICE TO DEAL WITH THIS ISSUE, BUT THE CITY'S NOT TAKING ANY ACTION, SO I'VE COME TO MAKE THE CITY COUNCIL AN OFFER. FOR THE SYMBOLIC SUM OF ONE DOLLAR A YEAR, I WILL REPRESENT THE CITY TO REVISE THE FRANCHISE WORDING TO THE CITY'S BENEFIT. NOT A BAD OFFER REALLY. CONSIDER ONE DOLLAR TO GET THREE MILLION!!?? HOW MANY OFFERS DO YOU GET LIKE THIS IN A DAY? NOW, OF COURSE THE CITY MAY FIND SOMEONE WHO IS MORE DIPLOMATIC THAN I AM, SOMEONE WHO WILL CHARGE LESS, MAYBE. IF YOU DO, HIRE THEM TO TRY AND CORRECT AN INJUSTICE AND FAIL IS ONE THING, BUT TO NOT TRY AT ALL IS TO GUARANTEE FAILURE. I DON'T KNOW HOW MUCH TIME I HAVE LEFT, BUT COULD YOU TRY AND SHOW THE SLIDE? THIS IS GAS ON THE OPEN MARKET OVER THE LAST YEAR. YOU'LL SEE THAT IT'S RISEN ABOUT ALMOST 200%. NOW, THE CITY OF AUSTIN HAS A MUNICIPAL UTILITY THAT USES PRICE HEDGING AND THEY'RE NOT VULNERABLE TO THIS KIND OF THING. [BUZZER SOUNDS] TEXAS GAS SERVICE COULD ALSO COMBINE PURCHASING WITH THE ELECTRIC UTILITY TO BRING THE COST DOWN. AND I WISH THAT THE CITY WOULD USE ITS REGULATORY POWERS TO FORCE THE GAS UTILITY TO TAKE MEASURES TO CONTROL COSTS. JUST FOR ACCURACY, THIS IS NATIONAL PRICE, NOT TEXAS GAS SERVICE PRICE. THANK YOU. CONTACT ME IF

YOU'RE INTERESTED IN MY OFFER.

Mayor Wynn: SPEAKING OF WHICH, I WOULD LIKE TO ASK MR. JOHN STEPHENS, OUR CHIEF FINANCIAL OFFICER, TO RESPOND ON SEVERAL OF THE POINTS.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. WE SENT OUT A LETTER EARLIER THIS WEEK TO MR. ROBBINS IN RESPONSE TO THESE ISSUES THAT HE HAS RAISED. AND I THINK IT'S FAIR TO SAY THAT WE DISAGREE THAT THE FRANCHISE AGREEMENT CONTAINS A TECH IN TECHNICALITY REGARDING THE THREE MILLION. I THINK IT'S MORE THAN A TECHNICALITY, BUT WE DO AGREE THAT NOW WOULD BE A GOOD TIME TO ACTUALLY TAKE A LOOK AT THE PRACTICE OF PURCHASING NATURAL GAS, THEIR GAS CONTRACTS, AND REALLY ALL THEIR MANAGEMENT PRACTICES, BECAUSE AS MR. ROBBINS POINTED OUT, THEIR FRANCHISE IS COMING UP FOR RENEWAL IN NOVEMBER OF 2006. SO TO THAT END WE ARE GOING TO HAVE AN ITEM ON THE EMERGING TECHNOLOGY AND TELECOMMUNICATION COMMISSION NEXT WEEK AND COMING TO THE FULL COUNCIL ON NOVEMBER THE THIRD TO RECOMMEND FOR COUNCIL TO DIRECT THE CITY MANAGER TO HIRE A MANAGEMENT CONSULTANT TO LOOK AT THOSE ISSUES AND REALLY ANY OTHER ISSUES THAT WE THINK WOULD HELP US IN THE RENEGOTIATION OF THE FRANCHISE AGREEMENT. IF WE CAN GET A REPORT FROM THE CONSULTANT IN THE SPRING, I THINK THAT WOULD SET US UP WELL FOR US TO BEGIN OUR NEGOTIATIONS WITH TEXAS GAS.

McCracken: I THINK WE ALREADY KNOW WHO THE LOW BIDDER IS GOING TO BE.

Mayor Wynn: AGREED. THANK YOU, MR. STEPHENS. PAT JOHNSON. WELCOME. I SAW PAT EARLIER. YOU HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY DAVID FLENTGE. SORRY IF I'M MISPRONOUNCING THAT, DAVID.

OUR HEROES IN THAT CITY ARE MEN AND WOMEN OF THE AUSTIN POLICE DEPARTMENT. THEY RISK THEIR LIVES EVERYDAY AND EVERY NIGHT WHEN THEY GET IN A PATROL CAR. I'M ASKING THE PUBLIC WHENEVER YOU SEE A POLICE

OFFICER OUT THERE IN PUBLIC TO LET THEM KNOW HOW MUCH YOU APPRECIATE THEM FOR THE SERVICE THEY'RE PROVIDING YOU, THE SIT CITIZENS OF AUSTIN BY A SIMPLE THANK YOU. AND THE RISK THAT OUR OFFICERS RISK WHEN THEY GET INTO A PATROL CAR WILL BE -- YOU CAN SEE IN THIS FOOTAGE THAT I'M GOING TO SHOW Y'ALL. AND THIS IS SOMETHING THAT ALL POLICE OFFICERS ACROSS OUR COUNTRY HAVE TO DEAL WITH ON A DAILY BASIS.

OF COURSE, CAR CRASHES HAVE TOPPED GUNS AS A MAJOR THREAT TO OFFICERS. >>WE INVESTIGATE THE REASONS BEHIND THE INCREASED DANGER IN THE LINE OF DUTY.

IT WAS A SHOCKING SCENE, A MINNEAPOLIS SHERIFF'S DEPUTY HIT AS HE HELPS A MOTORIST STUCK IN A DITCH. HIS PATROL CAR CAMERA IS ROLLING AS A PICKUP TRUCK GOES OFF THE ROAD EARLIER THIS YEAR AND SLAMS INTO HIM. INCREDIBLY THE DEPUTY SUFFERS JUST BRUISES. NOW, WATCH AS A DRUNK DRIVER SLAMS INTO AN ILLINOIS STATE PATROL CAR ON THE EXPRESSWAY. THE TROOPER WAS HELPING A STRANDED MOTORIST. AGAIN, THE TROOPER ESCAPES WHAT COULD HAVE BEEN A DEADLY CRASH WITH JUST MINOR INJURIES. A SKYROCKETING AMOUNT OF SERIOUS ACCIDENTS INVOLVING OFFICERS SHOW THE ROADWAYS ARE BECOMING INCREASINGLY DANGEROUS TO THE LINE OF DUTY.

MUCH MORE DANGEROUS PEOPLE AREN'T PAYING ATTENTION.

THIS TROOPER KNOWS THAT TRAFFIC STOPS CAN BE PARTICULARLY DANGEROUS AFTER HE WAS FORCED TO GET OUT OF THE PATH OF AN ONCOMING CAR WHILE MAKING A ROAD SIDE STOP.

THE CAR HIT RIGHT WHERE I WAS STANDING. HAD I NOT MOVED, HE WOULD HAVE CRUSHED BOTH MY LEGS. I WOULDN'T BE STANDING HERE TODAY.

BUT ACCIDENTS AREN'T THE ONLY RISK ON THE ROAD. THERE'S ALSO THE DANGER OF CARS BEING USED AS WEAPONS. THIS MEMORIAL SERVICE HONORED TWO

OFFICERS KILLED WHEN A DRIVER DELIBERATELY RAMMED THEIR SQUAD CAR. CARS AS WEAPONS, THERE THERE ARE NO STATISTICS ON IT, BUT THE DIRECTOR OF ONE NATIONAL SUPPORT GROUP FOR THE FAMILIES OF OFFICERS KILLED IN THE LINE OF DUTY SAYS SHE'S CONVINCED THAT MORE CRIMINALS ARE USING CARS TO TRY TO RUN DOWN POLICE.

IT HAPPENED IN THIS BIZARRE CASE WHEN A SUSPECT HANDHANDCUFFED IN THE BACK SEAT JUMPS IN THE FRONT SEAT AND RUNS DOWN A UTAH TROOPER WITH HAD HIS OWN SQUAD CAR. THE TROOPER WAS HURT. THE SUSPECT WAS CHARGED WITH ATTEMPTED HOMICIDE. BUT WHATEVER THE REASON THE HAZARD IS GROWING. STATISTICS SHOW THAT MORE OFFICERS ARE NOW KILLED BY CARS THAN BY GUNS.

I'M MUCH MORE CONCERNED ABOUT GETTING MYSELF HIT OVER THERE, THAN I AM SHOT.

IT WAS MAGNIFIED BY SCENES LIKE THIS. THE TROOPER PULLS OVER A WOMAN IN THE RED CAR WHILE SPEEDING. WHILE STANDING ON THE PASSENGER SIDE OF A CAR, A SEMI SIDE SWIPES THE VEHICLE, KNOCKING THE TROOPER OFF HIS FEET. HE WASN'T HURT.

ALL RIGHT, COUNCIL, I JUST WANT THE PUBLIC TO UNDERSTAND THAT. THAT HAPPENED IN ANOTHER PART OF THE COUNTRY, BUT IT HAPPENS VERY OFTEN HERE IN OUR CITY. OUR POLICE OFFICERS, MANY INJURED SEVERELY, WHEN PEOPLE HIT THEM ON MOTORCYCLES, ETCETERA. AGAIN, I PLEASE ASK THE PUBLIC TO WHEN YOU SEE A POLICE CAR MOVED OVER TO THE SIDE OF THE ROAD, PLEASE PULL TO THE OTHER LANE OR SLOWDOWN. THESE PEOPLE ARE HERE TO PROTECT US AND WE OWE THEM A GREAT DEAL OF THANKS. THANK YOU, COUNCIL.

Mayor Wynn: THANK YOU, MR. JOHNSON. DAVID FLENTGE. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MARVIN RODRIGUEZ.

GOOD AFTERNOON, CITY COUNCILMEMBERS. I WANT TO THANK YOU FOR THE OPPORTUNITY TO COMMUNICATE MY CONCERNS TO YOU. MY NAME IS DAVID AND I'M A LONG TIME

CITIZEN OF THE CITY OF AUSTIN, AND AS A YOUTH I CAME HERE QUITE A BIT ON VACATIONS. I'M HERE TO EXPRESS MY CONCERNS ABOUT THE PUBLIC SAFETY AND HEALTH. AS A RUNNER AND BICYCLIST, I SHARE THE CITY'S DESIRE AND NEED TO GET PEOPLE OUT OF THEIR VEHICLES AND USING OTHER FORMS OF TRANSPORTATION. IT IS MY OBJECTIVE HERE TODAY TO URGE THE CITY COUNCIL TO INCREASE SAFER BICYCLING AND DECREASE THE AMOUNT OF ELEMENTARY AND HIGH SCHOOL -- MIDDLE SCHOOL STUDENTS THAT ARE CHAUFFEURED BY AISD AND PARENTS ALIKE. FIRST CONCERNING SAFER BICYCLING. I'M ASKING YOU TO ASSIST BICYCLE SHOPS TO INCREASE RIDER SAFETY BY PROVIDING CONSUMER EDUCATION ON STATE AND LOCAL REGULATIONS ON BICYCLE RULES AND SAFETY THROUGH AN ELECTRONIC TEMPLATE PROVIDED TO BICYCLE SHOPS. I WOULD ALSO ENCOURAGE YOU TO ASK THE BICYCLE SHOPS TO POST THE AUSTIN BICYCLE MAP THAT YOU'VE ALREADY PROVIDED TO BETTER EDUCATE BICYCLISTS. THE BICYCLE SHOPS IN AUSTIN MAKE THEIR PROFIT OFF SELLING, SERVICING AND RENTING BICYCLES TO GUESTS AND CITIZENS. THIS EFFORT WOULD BE IN THEIR BEST INTEREST. SECOND, I WANT TO -- I WANT THE CITY OF AUSTIN TO ENCOURAGE AISD TO STOP MUCH OF ITS BUSING AND GET KIDS AND ADOLESCENTS COMMUTING TO SCHOOL VIA WALKING, BICYCLING AND USING PUBLIC TRANSPORTATION. WHY SHOULD THE CITY COUNCIL BE CONCERNED? AS AN INDICATOR OF THE PROBLEM, ONE RESEARCH STUDY HAS INDICATED THAT 50% OF FOURTH GRADERS ARE ARE OBESE. OBESITY IS GENERALLY DEFINED AS DECREASING HEALTH TO THE POINT OF SHORTENING LONGEVITY AND WELL-BEING. THE CONTINUING INCREASE IN OVERWEIGHT IS A PUBLIC CONCERN. DESPITE THE RECOGNITION OF THE SEVERE HEALTH AND PSYCHOLOGICAL DAMAGE DONE BY CHILDHOOD OBESITY, IT BECOMES A LOW PRIORITY IN PUBLIC ISSUES. THE FACT THAT ADOLESCENTS MUST TROOFL TO SCHOOL IN SOME MANNER SHOULD PROVIDE AN OPPORTUNITY TO UTILIZE THE BENEFITS OF ACTIVE COMMUTING ON HEALTH. ACTIVE COMMUTING IS IMPORTANT DESPITE THE THREATS OF PERSONAL AND ENVIRONMENTAL FACTORS. I UNDERSTAND THAT ACTIVE COMMUTING COULD BE A CONTROVERSIAL ISSUE BECAUSE IT IS INTERTWINED WITH ECONOMIC, SOCIAL

AND CULTURAL ISSUES. FURTHERMORE, THE PROJECTION IS DISCOURAGING FOR HEALTH CARE PROVIDERS AND PUBLIC HEALTH SERVICES, IT MUST PROVIDE CARE FOR THIS INCREASING OBESE POPULATION. REDUCING SCHOOL BUSING WILL ACHIEVE THE EFFECT OF IMPROVING CHILDHOOD AND ADOLESCENT OBESITY AND INCREASE HEALTH AND FITNESS, CREATING ADULTS WHO ARE FIT AND AVOID THE USE OF PERSONAL VEHICLES FOR TRANSPORTATION. THIS EFFECT WILL FURTHER DECREASE AUTOMOBILE CONGESTION, AIR AND NOISE POLLUTION AND IMPROVE HEALTH WHILE IN IMPROVING THE QUALITY OF LIFE FOR THE AUSTIN POPULATION. IT MAKES ECONOMIC SENSE THAT THE AUSTIN INDEPENDENT SCHOOL DISTRICT STOPS SPENDING SO MUCH OF ITS MONEY ON TRANSPORTATION WHEN IT NEEDS MORE FUNDS FOR EDUCATING RATHER THAN TRANSPORTING STUDENT. TO CLOSE, I AGAIN WANT TO ENCOURAGE YOU TO CONTINUE TO WORK ON BICYCLE EDUCATION AND TO IMPROVE THE HEALTH OF STUDENTS BY DECREASING SCHOOL BUSING AND HAVING THEM ACTIVELY COMMUTE TO SCHOOL. I'VE GIVEN YOU A DOCUMENT THAT PROVIDES INFORMATION, RESOURCES AND REFERENCES. THANK YOU. DO YOU HAVE ANY QUESTIONS?

Mayor Wynn: THANK YOU.

ONE THING WE'LL DO IS PASS ALONG THE DOCUMENT TO THE FOLKS WHO WORK ON OUR BICYCLE MASTER PLAN AND SEE IF WE CAN HELP WITH THAT PUBLIC INFORMATION.

Mayor Wynn: OUR NEXT SPEAKER IS MARVIN RODRIGUEZ. TO BE FOLLOWED BIOS KERR PEREZ. OSCAR PEREZ. AND I'M TOLD WE MIGHT UTILIZE SOME TRANSLATION SERVICES AS PART OF THESE NEXT TESTIMONIES. (SPEAKING SPANISH).

GOOD AFTERNOON, MEMBERS OF THE CITY COUNCIL, MY NAME IS MARIN RODRIGUEZ AND I REPRESENT THE CITY OF THE HOME DEPOT LAY DAY LABORERS. WE ARE HERE BECAUSE WE HAVE A SERIOUS PROBLEM AT THE CORNER OF ST. JOHN'S WHERE THE HOME DEPOT IS LOCATED. IT'S BEEN A YEAR NOW THAT THE PEOPLE AT HOME DEPOT HAVE ALLOWED US TO BE AT THAT CORNER. BUT EVER SINCE JULY UNTIL THE PRESENT, HOME DEPOT HAS COME BY, EVEN

ACCOMPANIED BY THE POLICE, ASKING US TO GET OUT OF THERE. AND THAT'S THE PROBLEM BECAUSE IF WE'RE NOT THERE, THEN WE'RE GOING TO BE IN THE STREET, BLOCKING CURBS AND WE DON'T WANT TO BE A HAZARD THAT WAY. SOMETIMES PEOPLE HAVE SAID THAT WE ARE DELINQUENTS OR CRIMINALS, BUT THAT IS NOT TRUE. WE ONLY WANT WORK. WE WANT TO WORK, WE ARE HONEST WORKERS. WE NEED SUPPORT AND HELP FROM THE CITY. WE HAVE PUT TOGETHER A COMMITTEE, AND THIS COMMITTEE HAS GONE DOOR TO DOOR IN THE ST. JOHN'S NEIGHBORHOOD TO FIND OUT PEOPLE'S OPINIONS ABOUT THIS ISSUE. OUT OF 200 HOUSES WHERE WE WENT DOOR TO DOOR AS WE CALL IT, 90% OF THE PEOPLE SUPPORT OUR VIEW. AND WITH THE SUPPORT OF THE CITY, WE THINK WE CAN CREATE A PLACE THAT IS SAFE AND OFFERS DIGNITY TO THE DAY LABORERS. THIS STACK OF CARDS IS SIGNED FOR EACH PERSON THAT WE QUESTIONED IN THE ST. JOHN'S NEIGHBORHOOD, SO HERE'S THE QUESTIONNAIRE RESULTS AND THE RESULTS OF THE QUESTIONNAIRE WAS THAT THE ST. JOHN'S NEIGHBORHOOD SUPPORTS OUR HAVING A CORNER THERE. PLEASE, CITY OF AUSTIN, HELP US, BECAUSE WHAT WE WANT IS TO WORK SO THAT WE CAN HELP OUR FAMILIES BECAUSE THEY NEED US. THAT IS ALL. THANK YOU VERY MUCH. AND HERE'S THE CARDS. [APPLAUSE]

Mayor Wynn: OUR NEXT SPEAKER IS OSCAR PEREZ.

THIS IS A REPRESENTATIVE FROM THE SAME GROUP.

GOOD ARCH. MY NAME IS JUAN MANUEL (INDISCERNIBLE) AND I REPRESENT THE CITY OF THE ST. JOHN'S HOME DEPOT DAY LABORERS. I HAVE A SHEET THAT WE WROTE UP TO GIVE TO THE MEMBERS OF THE CITY COUNCIL OF AUSTIN. IN THE NAME OF ALL THE WORKERS IN OUR COMMITTEE, WE WISH TO PRESENT THE CURRENT SITUATION OVER ON ST. JOHN'S AVENUE. OUR COMMITTEE IS WORKING TO RESOLVE THESE ISSUES. WE DO CLEAN UP ACTIVITIES ON ST. JOHN'S AVENUE AND WE PARTICIPATE IN THE NEIGHBORHOOD ASSOCIATION MEETING. WE HAVE A CODE OF CONDUCT AND WE HOLD ASSEMBLIES ON THE CORNER EVERY WEEK TO INFORM ALL OF THE WORKERS OF THE CURRENT SITUATION AT HOME DEPOT. FIRST WORKERS IS A VERY IMPORTANT RESOURCE FOR THE DAY LABORERS, BUT THERE IS SIMPLY

NOT ENOUGH WORK AND NOT ENOUGH SPACE THERE FOR ALL OF THE WORKERS IN THE CITY OF AUSTIN. AND WE ARE HERE TO ASK SUPPORT FROM THE CITY COUNCIL IN THE FOLLOWING WAYS. TO CREATE A DESIGNATED SPACE WHERE WE CAN LOOK FOR WORK NEAR HOME DEPOT ON ST. JOHN'S AVENUE WHERE WE WON'T HAVE PROBLEMS WITH THE POLICE OR SECURITY GUARDS AND THERE IS ENOUGH SPACE FOR CONTRACTORS TO PICK UP WORKERS. THIS SOLUTION DOES NOT REQUIRE MUCH INVESTMENT, JUST COOPERATION FROM THE CITY AND FROM HOME DEPOT. WE BELIEVE THAT HOME DEPOT SHOULD RECOGNIZE THEIR RESPONSIBILITY IN COLLABORATING WITH US. TO IMPLEMENT THE DAY LABORER ADVISORY BOARD THAT WAS CREATED BY A RESOLUTION IN 2003 AND 2005, A RESOLUTION WHICH EXPIRED BEFORE IT COULD BE PUT INTO PRACTICE. WE WOULD LIKE TO HAVE REPRESENTATIVES FROM THE ST. JOHN'S HOME DEPOT LABOR COMMITTEE AS WELL AS REPRESENTATIVES FROM OTHER CORNERS AND CENTERS OF DAY LABORERS. WITH THESE ACTIONS AND WITH COOPERATION FROM THE CITY, THE COMMUNITY, HOME DEPOT AND FROM WE THE WORKERS, WE BELIEVE THAT WE CAN CREATE A FAIR AND EFFECTIVE POLICY FOR DAY LABORERS IN AUSTIN. THANK YOU. I HAVE SEVERAL COPIES OF THIS IN SPANISH AND IN ENGLISH.

Mayor Wynn: THANK YOU. [APPLAUSE] COUNCIL, BEFORE WE GO ON TO A FEW OTHER SPEAKERS ON DIFFERENT TOPICS, I SEE MR. DAVID LURIE IS HERE WHO AS PART OF HIDZ DEPARTMENT RUNS OUR FIRST WORKER LOCATION. AND I BELIEVE THE AUSTIN POLICE DEPARTMENT IS HERE AND CAN TALK ABOUT THE ENFORCEMENT ISSUES IF WE HAVE ANY QUESTIONS. BUT MR. LURIE, IF YOU COULD COME -- PERHAPS SORT OF REMIND US AND GIVE US A BRIEF OVERVIEW AS TO THE EXISTING FIRST WORKER LOCATION AND HOW THAT'S WORKING.

GLAD TO MAYOR, THANK YOU. I WANT TO STRESS THE DAY LABORERS REPRESENT A VERY IMPORTANT PART OF THE WORKFORCE HERE IN THE CITY OF AUSTIN. THEY'VE PROVIDED CRITICAL SERVICES AND LABOR RELATED SERVICES TO THE CITY FOR MANY YEARS, AND THE CITY OF AUSTIN HAS BEEN VERY SUPPORTIVE. AND IN FACT, YOU

FUND A LEVEL OF APPROXIMATELY \$250,000 A YEAR IN GENERAL FUND SUPPORT FOR THE ORGANIZED DAY LABOR PROGRAM AT 51st AND IH-35. AND MANY OF THE ISSUES THAT HAVE RECENTLY BEEN RAISED BY HOME DEPOT IN TERMS OF SAFETY ISSUES FOR THE WORKERS AND ALSO WITHIN THE AREA SURROUNDING HOME DEPOT ARE VERY SIMILAR TO THE SAME KINDS OF CONCERNS THAT WERE EXPRESSED HERE IN DOWNTOWN AUSTIN YEARS AGO WHEN WE DID NOT HAVE A WELL ORGANIZED DAY LABOR PROGRAM. AND AS A RESULT OF THAT, THE CITY OF AUSTIN CREATED THE PROGRAM THAT CURRENTLY EXIST AT 51st AND IH-35. LAST YEAR WE HAD EXTENSIVE DISCUSSIONS WITH STAKEHOLDERS ABOUT HOME DEPOT. WE ACTUALLY HAD A SERIES OF MEETINGS USING THE DISPUTE RESOLUTION CENTER TO WORK WITH US LOOKING AT VARIOUS OPTIONS. OVER TIME WE THINK FROM THE STAFF'S PERSPECTIVE THAT WE SHOULD POTENTIALLY BE LOOKING AT EXPANDED CAPACITY FOR ORGANIZED DAY LABOR PROGRAMS, BUT IT'S VERY IMPORTANT WE FEEL THAT WE LOOK AT THIS ISSUE ON A CITYWIDE BASIS BECAUSE THERE ARE A NUMBER OF AREAS AROUND THE CITY WHERE THERE ARE STILL LABORERS TRYING TO GAIN EMPLOYMENT WITHOUT USING THE ORGANIZED SITE. THE FACT OF THE MATTER IS OUR EXISTING DAY LABOR SITE IS VERY CLOSE IN PROXIMITY TO THE HOME DEPOT AT ST. JOHN'S AND I-35. WE'VE BEEN WORKING TO ENHANCE THAT PROGRAM AND WE'D LIKE TO ENCOURAGE -- THAT'S WHAT CAME OUT OF THIS DIALOGUE, ENCOURAGING THE USE OF FIRST WORKERS AS A VERY SAFE, WELL ORGANIZED PROGRAM. WE HAVE ADDITIONAL CAPACITY THERE, AND THE REAL KEY IS TO GET NOT ONLY LABORERS TO ACCESS THAT SITE, BUT EMPLOYERS. AND WE'VE BEEN WORKING CLOSELY WITH HOME DEPOT TO ENCOURAGE CONTRACTORS TO COME OVER AND UTILIZE THAT PROGRAM. WE ALSO WORK WITH THE U.S. HISPANIC CONTRACTORS ASSOCIATION TO PROVIDE TRAINING, PARTICULARLY SAFETY RELATED TRAINING AT FIRST WORKERS, AND WE'RE PROVIDING SOME OTHER SERVICES THERE TO SUPPORT THE WORKERS AND CONTINUE TO ENHANCE OPPORTUNITIES FOR LABORERS AND EMPLOYERS TO CONNECT AT THE FIRST WORKERS SITE. THANK YOU.

DAVID, HOW FAR ARE THE TWO SITES APART?

IT'S LESS THAN TWO MILES AWAY. WE'RE TALKING ABOUT ST. JOHN'S AND I-35 WHERE HOME DEPOT IS. AND JUST SOUTH OF THERE AND ACROSS IH-35 AT FIRST 51st IS THE FIRST WORKERS SITE.

AND WE'RE GOING TO CONTINUE THE DIALOGUE AS WE MOVE FORWARD? I KNOW THAT FOR SOME TIME I THINK WE'VE KNOWN THAT WE'RE PROBABLY GETTING CLOSE TO NEEDING ANOTHER SITE SOMEWHERE IN OUR COMMUNITY.

YES. AND CITY MANAGER, FROM THE STAFF'S PERSPECTIVE, WE WERE LOOKING AT ANOTHER SITE, THEN WE WOULD PROBABLY NOT BE RECOMMENDING A SECOND SITE IN SUCH CLOSE PROXIMITY OF THE EXISTING SITE, BUT SOMETHING PROBABLY MUCH FURTHER SOUTH AND PERHAPS EAST. TO GAIN ACCESSIBILITY FOR PEOPLE ON A CITYWIDE BASIS.

THANKS.

Alvarez: MAYOR, I HAD A QUESTION FOR MR. LURIE BECAUSE I KNOW THERE WAS THIS KIND OF WORKING COMMITTEE WITH REPRESENTATIVES FROM THE WORKERS AND DIFFERENT ADVOCACY GROUPS AND HOME DEPOT AND THE CITY. AND THAT THERE WAS SOME KIND OF INFORMAL ARRANGEMENT THAT WAS DEvised SO THAT THE WORKERS WOULD BE ALLOWED THERE BECAUSE IT IS HOME DEPOT'S PROPERTY, AT LEAST IT IS MY UNDERSTANDING, SO IT'S KIND OF BEYOND OUR ABILITY NECESSARILY TO CONTROL IF IT'S ON PRIVATE PROPERTY, BUT DO YOU KNOW IF THEIR POSITION HAS CHANGED IN TERMS OF THIS -- HAVING THIS PARTICULAR TYPE OF ACTIVITY ON THEIR PREMISES?

WELL, COUNCILMEMBER, I PROBABLY SHOULDN'T COMMENT SPECIFICALLY ON THEIR POLICY. I THINK IT WOULD PROBABLY BE BETTER TO HEAR FROM THEM, BUT THEY DID EXPRESS SOME CONCERN THAT IT HAD BECOME A BIT DISRUPTIVE FOR THEM IN TERMS OF THEIR PROPERTY, THEIR PARKING LOT AND SO FORTH. AND SO OVER TIME IT DOES SEEM THAT THEY'VE SORT OF CHANGED THEIR POSITION ON THIS. FROM THE DIALOGUE WE HAD WITH THE STAKEHOLDERS SIX MONTHS OR SO AGO, BASICALLY WHAT

WE WERE HEARING HEARING FROM HOME DEPOT IS THAT THEY WOULD MUCH PREFER TO ENCOURAGE USE OF FIRST WORKERS BOTH FOR THEIR CONTRACTORS WHO COME TO HOME DEPOT AS WELL AS THE LABORERS. SO THAT SEEMS TO BE THEIR POSITION AT THIS TIME.

Alvarez: I THINK THAT'S -- I DON'T KNOW IF WE CAN GET AN OFFICIAL WORD FROM THEM OR SEEK SOME KIND OF A RESPONSE FROM THEM BECAUSE IT APPEARS THAT THEY'RE HANDLING -- THEIR HANDLING OF THIS PARTICULAR SIGNED KIND OF ACTIVITY HAS CHANGED OVER THE LAST TWO OR THREE MONTHS. JUST TO SEE OBVIOUSLY WHAT THEIR INTEREST IS WITH REGARD TO THIS PARTICULAR ISSUE. AND THEN ALSO IN TERMS OF THE ADVISORY COMMITTEE, I THINK THAT WE HAVE BEEN TRYING TO PULL THAT TOGETHER AND ACTUALLY THE -- THE REASON WE HAVEN'T MOVED FORWARD IS BECAUSE I ACTUALLY HAVE BEEN TROUBLE HAVING NAMES FORWARDED TO US FROM THE ADVOCACY GROUPS THAT ARE SUPPOSED TO BE REPRESENTED ON THAT COMMITTEE BECAUSE I DON'T THINK WE'LL HAVE A PROBLEM GETTING NEIGHBORHOOD REPRESENTATIVES, BUSINESS REPRESENTATIVES, A.P.D. REPRESENTATIVES. SO THAT'S PART OF THE REASON THAT THE ADVISORY COMMITTEE HASN'T GONE FORWARD IS BECAUSE WE HAVEN'T RECEIVED THE NAMES REALLY FOR THE FOLKS WHO WOULD BE ADVOCATING ON BEHALF OF THE WORKERS. SO THAT COMMITTEE CAN VERY QUICKLY BE ESTABLISHED IF WE IDENTIFY THE INDIVIDUALS WHO WANT TO SERVE AND PLAY THAT PARTICULAR ROLE ON THAT COMMITTEE, BUT THAT THE STRUCTURE IS ALREADY PRETTY MUCH LAID OUT. AND LIKE I SAY, THAT'S SOMETHING WE CAN CERTAINLY MOVE FORWARD ON FAIRLY QUICKLY AS WE GET THE NAMES OF INDIVIDUALS WHO MAY BE INTERESTED IN PARTICIPATING. I'M GOING TO SAY A COUPLE OF THINGS IN SPANISH. (SPEAKING SPANISH) (SPEAKING SPANISH) [APPLAUSE]

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

Thomas: IF YOU DON'T MIND, I HAD THE PRIVILEGE OF ATTENDING SOME OF THE MEETINGS WITH THE WORKERS AND I THINK IT IS IMPORTANT THAT THEY HAVE A PLACE TO

FIND WORK. AND ON THE COMMITTEE THAT COUNCILMEMBER ALVAREZ IS TALKING ABOUT, I THINK WE SHOULD MAKE SURE THAT THE NEIGHBORHOOD IS REPRESENTED AND MAYBE LIKE YOU SAID THE HOME DEPOT. ONE THING I DO KNOW WHEN THIS STARTED OUT LIKE A YEAR AND A HALF AGO, THERE WERE SOME ACTIVITIES THAT WERE NOT FAVORABLE IN THE COMMUNITY. I THINK A.P.D. HAD TO DEAL WITH THOSE ISSUES. I'M NOT SAYING THESE WORKERS HERE TODAY WERE PARTICIPATING IN THAT, BUT WE HAVE TO BE VERY CAREFUL, AND HOME DEPOT MADE AN AGREEMENT WITH THE COMMUNITY WHEN THEY FIRST CAME IN MANY YEARS AGO, AND THEY HAVE BEEN VERY HONORABLE IN THOSE AGREEMENTS. I THINK THAT WE HAVE TO LOOK AT HOW WE CAN DEAL WITH THIS AND BE FAIR ON BOTH SIDES, ALTHOUGH THE GENTLEMEN BROUGHT 200 CARDS SIGNED, BUT WE HAVE TO REALIZE THAT THERE'S MORE THAN 200 HOUSES IN ST. JOHN'S. I THINK WE HAVE TO LOOK AT THIS MORE OPEN. IF YOU DON'T MIND, MAYOR, FOR A SECOND, I WOULD LIKE TO KNOW IF A.P.D. WOULD KIND OF RESPOND -- THE RESPONSE THEY HAD IN THE DR PROGRAM IN THE NEIGHBORHOOD IN THAT PARTICULAR NEIGHBORHOOD AND WHAT KIND OF ENFORCEMENT, WHAT KIND OF PROBLEMS HAVE THEY HAD WITH THE LABORERS.

GOOD EVENING. IN COMMANDER WITH THE NORTHEAST AREA COMMAND OF AUSTIN. THE HOME DEPOT THAT IS IN QUESTION IS IN MY AREA OF COMMAND. THE AUSTIN POLICE DEPARTMENT GOT INVOLVED IN THE HOME DEPOT ISSUE BACK IN 2004, AND JUST TO BE REAL BRIEF ON WHAT HAPPENED, WE HAD AN IMMIGRANT WORKER JUMP INTO THE BACK OF PICKUP TRUCKS AND BASICALLY SOLICITING WORK. THE OWNER OF THE TRUCK DIDN'T HAVE ANY IDEA WHAT GOING ON, SO THEY GOT INTO A FIGHT. AND FROM THERE I BELIEVE HOME DEPOT AGREED TO HAVE AN AREA BEHIND THE HOME DEPOT FOR THE IMMIGRANTS TO STAND. AS THINGS CHANGED, HOME DEPOT IN 2005 DECIDED THAT THEY DID NOT WANT THE IMMIGRANTS ON THEIR PROPERTY, AND BASICALLY BECAUSE OF THOSE PROBLEMS THAT WAS BREWING. BUT THE AUSTIN POLICE DEPARTMENT'S MAIN CONCERN WAS BASICALLY TO PROTECT THE COMMUNITY. ONE OF THE BIG ISSUES THAT COMES TO MIND IS THAT

THERE'S AN ELEMENTARY SCHOOL DIRECTLY ACROSS THE HIGHWAY FROM THE HOME DEPOT, AND AS YOU GO EASTBOUND ON ST. JOHN'S, THE CHILDREN BETWEEN THE AGES OF NINE AND 12, 13 YEARS OLD LEAVE THE SCHOOL AND WALK PAST THE WORKERS WHO ARE STANDING UP THERE SOLICITING WORK BY HOME DEPOT ON ST. JOHN'S. THERE'S BEEN SEVERAL REPORTS OF CAT CALLS TO THE YOUNG GIRLS GOING HOME OR GOING TO SCHOOL, AND THIS HAS CREATED A PROBLEM. ALSO, THE AUSTIN POLICE DEPARTMENT GOT INVOLVED WHEN THE BUSINESSES IN THE AREAS STARTED COMPLAINING ABOUT THE IMMIGRANTS OR SHALL WE SAY THE WORKERS BLOCKING THE PASSAGEWAYS AND THE ROADWAYS COMING INTO THEIR BUSINESS, SO THEY CALLED US OUT THERE AND WE GAVE THEM A TRESPASS WARNING. WE NEED TO ENFORCE THE LAWS AND THAT'S PRETTY MUCH THE ONLY INCIDENT THAT WE HAVE AN ISSUE. JUST TO GIVE YOU AN IDEA OF WHAT'S GOING ON, IN 2005 THERE WAS APPROXIMATELY 90 REPORTS MADE INVOLVING CRIMINAL TRESPASS AROUND THE HOME DEPOT AREA. 23 CALLS IN 2005 CAME FROM THE ABC SUPPLY, WHICH IS DIRECTLY SOUTH OF HOME DEPOT ON ST. JOHN'S. AND WE ISSUED 20 CRIMINAL TRESPASS WARNINGS FOR THE IMMIGRANTS WHO WERE SOLICITING WORK AT THE HEARTH SIDE INN. AGAIN, OUR FOCUS IS TO PROTECT AND SERVE. ALSO WE'VE HAD PROBLEMS WHERE THEY WOULD CROSS THE ROADWAY AND CAUSE PROBLEMS FOR CARS. THE OFFICERS DO NOT GO OUT THERE AND HARASS THE HOME DEPOT FOR THE IMMIGRANTS SOLICITING WORK AT HOME DEPOT. WE ARE ENFORCING LAWS. WHEN WE GET A CALL, WE RESPOND. WE'RE NOT JUST OUT IN THE AREA PICKING UP PEOPLE. AND SOMETIMES THAT'S THE IMPRESSION WE GET WHEN WE GO TO SOME OF THE MEETINGS. NEARLY ALL OF THE MEETINGS THAT THE WE'VE HAD CONCERNING HOME DEPOT, EITHER MYSELF OR THE DR'S HAVE ATTENDED THOSE MEETING AND WE WERE KIND OF SURPRISED NOT TO SEE ANY NEIGHBORHOOD MEMBERS HERE THIS MORNING. THANK YOU.

Mayor Wynn: THANK YOU, COMMANDER. FURTHER QUESTIONS, COMMENTS? THANK YOU, COMMANDER. OUR NEXT SPEAKER IS ROSE MARY FOLLIS. SORRY IF I'M

MISPRONOUNCING THAT. YOU WILL BE FOLLOWED BY LARRY ERNST. >>... BASICALLY SHOW UP THERE AT 6:00 IN THE MORNING, YOU ARE THERE, UNTIL EVERYBODY GETS OUT. AND THEN ABOUT 12:00 THE JOB COMES IN. A DIRTY JOB THAT COMES IN THAT NOBODY WANTED TO DO, THEN THEY GET IT, THEN THEY HAVE TO GET ON THE BUS AND GO TO THE PLACE. AND THE MINIMUM IS FOUR HOURS. SO WHEN THEY GET BACK AFTER 8 OR 9 OR 10 HOURS OF WORK, THEY GET \$19.66. AND THAT'S WHY A LOT OF THE EX-OFFENDERS WIND UP GOING TO JAIL BECAUSE THEY DO NOT HAVE JOBS WHERE THEY CAN SUPPORT THEIRSELVES TO JUST GET HOUSING. I THINK THERE IS A LOT OF JOBS THAT ARE AVAILABLE THAT EX-OFFENDERS COULD HAVE. AND SINCE WE HAVE A NON-PROFIT ORGANIZATION, WE -- WE HAVE -- WE HAVE A MEMBER THAT -- WITH THE NON-PROFIT, WHICH IS -- [INDISCERNIBLE] THEY PROVIDE LUNCHES AND RIDES TO AND FROM THE JOB. THEY PROVIDE SOME SAFETY EQUIPMENT. WE DO HAVE SOME PEOPLE WORKING, BUT MOST OF THE WORKERS HAVE TO BE LIKE ON A CONTRACT LABOR BASIS BECAUSE WE HAVE NOT BEEN ABLE TO OBTAIN WORKMEN'S COMP NOWHERE. THE BIG LABOR COMPANIES, I GUESS THEY HAVE PLENTY OF MONEY OR HAVE THE RIGHT CONTACTS, BUT WE HAVE NOT BEEN ABLE TO GET WORKMEN'S COMP. SO WHILE YOU ARE CONSIDERING ALL OF THE LABOR ISSUES, I WOULD LIKE TO PUT MY TWO CENTS WORTH IN TO SEE WHAT YOU CAN DO ABOUT THE LABOR ISSUES FOR EX-OFFENDERS BECAUSE EVERY EX-OFFENDER THAT DOESN'T GO BACK TO JAIL, THAT FITS IN WITH YOUR PROGRAM TO BUILD NO MORE JAILS AND IT'S NOT GOING TO COST THE TAXPAYERS A LOT OF MONEY. OUR PEOPLE DO HAVE I.D. CARDS AND THEY ARE U.S. CITIZENS, AND THEY ARE WILLING AND ABLE TO WORK. AND MOST OF THE MONEY THAT THEY WOULD MAKE WOULD -- WOULD STAY IN AUSTIN. [BUZZER SOUNDING] THANK YOU.

Mayor Wynn: THANK YOU, MS. FOLLIS. [APPLAUSE] LARRY ERNST, WANTED TO TALK TO US ABOUT ZONING. HOW ABOUT MARK [SIC] KETRRA, SORRY IF I'M MISPRONOUNCING THAT, MARK. YOU WILL BE FOLLOWED BY CINDY LAITON.

I'M MEAT KETRRA AND -- I AM MATT KETRRA I THINK YOU NEED TO PASS AN ORDINANCE BY NOW SINCE WE HAVE A LARGE CITY TO HAVE PEOPLE STOP FEEDING THE WHITE

TAIL DEER. YOU WILL SAVE MONEY, YOU CAN MAKE MONEY. CONCERNING THE FORMER, THERE'S A MAN 4003 SIERRA HILLS DRIVE, FEEDS THE DEER, YOU CAN'T MISS THE HOUSE, IT'S TRAMPLED IN MUD, EVERY MORNING HE FEEDS THEM AND THERE'S 20 TO 30 OF THEM AND THE -- IN A CONGESTED ROAD. I WENT TO THE LADY NEXT DOOR AND SHE SAID THEY HAVE ALREADY BEEN HIT AND KILLED. I GUESS NO ONE WANTS TO MAKE AN ENEMY IN THE NEIGHBORHOOD OR SOMETHING. I DON'T KNOW. SECONDLY, I RIGHT NOW HAND OUT HAND BILLS FOR A LIVING DOOR TO DOOR AND THERE I WAS, FACE-TO-FACE WITH A 400-POUND, 8 POINT BUCK. NOW, THE DAYS ARE GETTING SHORTER AND THE DOES GET IN HEAT RIGHT NOW. THEY BECOME TERRITORIAL, THEY CAN CHARGE AND THEY CAN EVISCERATE, INSTEAD HE DOVE INTO THE CAR. I DON'T KNOW WHAT THE MOMENT TUMG IS OF A -- MOMENTUM IS OF A 400-POUND ANIMAL. I THINK IT'S A BAD IDEA. I WENT TO THE MAN, KNOCKED ON HIS DOOR AND HE WAS CONVINCED THAT EVERYONE IS ENTERTAINED BY THESE DEER THERE. BY I REALLY THINK THAT HE'S JUST ENTERTAINING HIMSELF AND HIS ECCENTRIC FETTISH, HE HAS A RANCH, HE CAN GO WATCH THE DEER ON HIS RANCH OR HE CAN MAKE A SIGN OUTSIDE THAT SAYS COME I WILL TAKE YOU TO MY RANCH SO YOU CAN SEE MY DEER. SO HE'S NOT REASONABLE. HE HAS A DIFFERENT PHILOSOPHY. I CALLED THE GAME WARDEN AND THEY SAID, YES, IT IS A HAZARD, IT IS A DANGER -- IT IS DANGEROUS, SO YOU WILL SAVE MONEY BY NOW THAT YOU KNOW ABETTING A PROBLEM AND YOU WILL AVOID A LAWSUIT. SO THEN YOU CAN DO FOR THE LATTER CREATE THE ORDINANCE, PUT IT ON HIS DOOR AND HAVE SOMEONE GO BY AND A \$500 FINE SOUNDS REASONABLE TO ME. AND THE PROBLEM WOULD BE OVER WITH. THE ANGEL OF MERCY HAS COME, I HAVE TOLD YOU AND NOW IT'S UP TO YOU. THANK YOU, GOD BLESS YOU.

Mayor Wynn: THANK YOU, MATT. CINDY LAYITON. WELCOME, SIN DEERKS YOU WILL HAVE THREE MINUTES -- WELCOME, CINDY YOU WILL HAVE THREE MINUTES.

HONORABLE MAYOR AND CITY COUNCIL MEMBERS, I'M REVEREND CINDY LAITON, I'M -- LAY TON, I'M HISPANIC PASTOR MEMORIAL CHURCH ON BERKMAN DRIVE IN EAST AUSTIN, ONLY ABOUT A MILE OR TWO IN THE SAINT JOHN'S HOME DEPOT. ABOUT 14 MONTHS AGO I BECAME A MEMBER

OF THE RELIGION IN LABOR NETWORK IN AUSTIN, SOON THERE AFTER I WAS MADE AWARE OF THE PLIGHT OF THE DAY LABORERS THAT GATHER AT SAINT JOHN'S AND I-35 EVERY DAY LOOKING FOR WORK. I HAVE HAD THE PRIVILEGE TO TALK WITH MANY OF THE WORKERS. I ALSO PARTICIPATED IN THE PRELIMINARY MEETINGS THAT WERE HELD AT FIRST WORKERS TO DISCUSS THIS SITUATION. I WAS A MEMBER OF A DELEGATION THAT MET WITH RUDY GARZA AND OTHERS TO DISCUSS THE ISSUE. AND NOW THE DAY LABOR COMMITTEE, MADE UP OF THE DAY LABORERS FROM THE SAINT JOHN'S CORNER, MEETS EVERY WEDNESDAY EVENING AT THE CHURCH I SERVE. THESE MEN, WITH THE HELP OF THE EQUAL JUSTICE CENTER, HAVE BEEN MEETING FAITHFULLY FOR MONTHS NOW AND ARE STRIVING TO BE AN ORGANIZED GROUP AND FUNCTION IN AN ORGANIZED WAY. THEY HAVE DEVELOPED A CODE OF CONDUCT FOR THOSE WHO GATHER AT THE SAINT JOHN'S SITE. THEY HAVE ALSO ORGANIZED A NEIGHBORHOOD CLEANUP TO HELP THE AREA. THEY ARE STRIVING TO MAINTAIN A LEVEL OF DIGNITY FOR THE WORKERS WHO ARE DILIGENTLY TRYING TO SUPPORT THEIR FAMILIES AND THEMSELVES. ON BEHALF OF THE LABORERS WHO GATHER AT OR NEAR THE HOME DEPOT AT SAINT JOHN'S, I AM CALLING ON THE CITY OF AUSTIN TO INTERVENE ON BEHALF OF AUSTIN'S DAY LABORERS. FIRST I AM ASKING FOR THE RENEWAL OF THE DAY LABOR ADVISORY BOARD AS HAS ALREADY BEEN REQUESTED. THIS ADVISORY BOARD WAS CONSTITUTED BY THE CITY COUNCIL IN 2003-2004, BUT MEMBERS WERE NEVER APPOINTED TO SERVE. THE ADVISORY BOARD SHOULD BE REACTIVATED, MEMBERS ELECTED, AND THEN GIVEN THE OPPORTUNITY TO WORK TOWARDS FINDING A POSITIVE SOLUTION TO THIS VERY ISSUE. SECONDLY, AUSTIN HAS GRACED HOME DEPOT WITH TAX SUBSIDIES THAT HAVE ENCOURAGED HOME DEPOT TO BECOME A MAJOR CONTRIBUTOR TO THE ECONOMIC WELL-BEING OF AUSTIN. I'M ASKING THE CITY OF AUSTIN TO CALL UPON HOME DEPOT AND ESPECIALLY THE SAINT JOHN'S HOME DEPOT TO BE EVEN MORE RESPONSIBLE CORPORATE CITIZENS OF THE COMMUNITY IT SERVES AND DEAL POSITIVELY WITH THE DEEP NEEDS OF THE DAY LABORERS. THOSE NEEDS INCLUDE A SAFE PLACE TO GATHER. WITH DIGNITY AND WITHOUT FEAR. I DO RECOGNIZE THAT THE

DAY LABOR SITUATION AFFECTS THE WHOLE CITY OF AUSTIN. BUT AN EXPEDITED SOLUTION TO THIS IMMEDIATE NEED WOULD BENEFIT ALL PARTIES INVOLVED. AS A PERSON OF FAITH, I AM CALLED UPON TO SEEK JUSTICE FOR THOSE WHO ARE NOT BEING TREATED JUSTLY AND WITH DIGNITY. NOW, I AM CALLING UPON YOU TO DO LIKEWISE. THANK YOU FOR YOUR TIME AND SUPPORT IN THIS MATTER. [APPLAUSE]

Mayor Wynn: THANK YOU REVEREND LAYTON. THANK YOU ALL VERY MUCH FOR BEING HERE. COUNCIL, THAT'S ALL OF OUR CITIZENS WHO SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. FURTHER COMMENTS, QUESTIONS? IF NOT, AT THIS TIME WE WILL GO BACK INTO CLOSED SESSION, PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY ITEMS 45 RELATED TO -- TO DRAINAGE AT THE NORTHEAST CORNER OF PLEASANT VALLEY AND HE ELMONT DRIVE, 47 STATE OF TEXAS VERSUS AND/OR 49 RELATED TO WATER QUALITY AND IMPERVIOUS COVER REGULATIONS, WE ARE NOW IN CLOSED SESSION, I ANTICIPATE US COMING OUT SHORTLY TO BEGIN THOSE ITEMS RELATED TO THE MEXICAN AMERICAN CULTURAL CENTER. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP ITEM 47, RELATED TO STATE OF TEXAS VERSUS JOHN FRANCIS, III, NO DECISIONS WERE MADE. BACK IN OPEN SESSION LATE, WE APOLOGIZE, AT THIS TIME WE WOULD LIKE TO TAKE UP THOSE ITEMS THAT WE CLUMPED TOGETHER RELATED TO THE MEXICAN-AMERICAN CULTURAL CENTER OR THE MAC. AND I ANTICIPATE THAT WE WILL HAVE A BRIEF STAFF PRESENTATION.

ABSOLUTELY.

Mayor Wynn: PERHAPS MR. STRUSS OUR PARKS DIRECTOR.

Futrell: ALL RIGHT.

GOOD AFTERNOON, MAYOR AND COUNCIL, I'M PAUL [INDISCERNIBLE] FROM PUBLIC WORKS.

Futrell: YOU CAN SEE HOW EXCITED PAUL IS [LAUGHTER]

I'M A LITTLE TIRED.

ALSO THE END OF A LONG ROAD, RIGHT, PAUL? A LONG ROAD. WE ARE FINALLY HERE. IT'S AN EXCITING TIME, WE ARE HERE FOR THE MEXICAN-AMERICAN CULTURAL CENTER, WE ARE COMING BEFORE COUNCIL TODAY TO ASK FOR AN AWARD OF THE CONTRACT TO START CONSTRUCTION ON THE MEXICAN-AMERICAN CULTURAL CENTER LATER THIS YEAR. IN MID-DECEMBER OR SO. THE CONTRACT IS BASICALLY FOR THE BASE BID, WHICH IS WHAT WE CALL THE CRESCENT BUILDING, WHICH IS ACTUALLY THE -- THE ADMINISTRATION AND CLASSROOM BUILDING, WHICH YOU SEE ON THE OVERHEAD IS THAT -- THAT BUILDING THAT LOOKS LIKE A HALF MOON, WE CALL IT THE CRESCENT MOON. IN THAT BASE BID IS ALSO A 2,000 -- 22,000 SQUARE FOOT PLAZA IS THAT IS -- THAT IS UP BY TOWN LAKE ON THE HIKE AND BIKE TRAIL. ALSO IN THE CONTRACT IS THE MULTIPLE PURPOSE CENTER, WHICH -- MULTI-PURPOSE CENTER, WHICH THE FACILITY WILL ALLOW US TO HAVE NOT ONLY ALLOW US HAVE TO SOME PERFORMANCES BUT SIT-DOWN DINNERS, COULD BE USED TO RAISE REVENUE BY RENTING IT OUT TO THE COMMUNITY. IN CONJUNCTION ALSO IS ALTERNATE NUMBER 3, WHICH IS THE EXHIBIT AND GALLERY SPACE. SO THAT'S THE CONTRACT THAT WE ARE BRINGING BEFORE YOU. WHAT YOU SEE ON THE SCREEN IS THE MASTER PLAN. WHAT WE ARE ASKING FOR TODAY IS THE AWARDING OF THE CONTRACT IN PHASE 1. WE HAD ART GROUPS BASICALLY AND THE CITIZENS OF AUSTIN TO COME IN AND TELL US WHAT THEIR VISION WAS OF THE MAC. AND AS A RESULT OF THAT, THE MASTER PLAN WAS DEVELOPED FOR THE FULL SIX AND A HALF ACRE SITE. OBVIOUSLY WITH THE BOND MONEY WE DIDN'T HAVE FUNDING TO COMPLETE THAT WHOLE VISION, SO WE BROKE IT OUT INTO PHASES. AS WE DEVELOPED THE PROJECT, BECAUSE IT IS SUCH AN EXCITING PROJECT, WE HAD A LOT OF PROPOSALS THAT CAME BY US AS FAR AS HAVING PARTNERS IN THE PROJECT. WE THINK THOSE PARTNERSHIPS ARE STILL POSSIBLE, ESPECIALLY ONCE WE START CONSTRUCTION. WITH THE CONSTRUCTION OF PHASE 1, WE HOPE TO SEE THOSE PARTNERSHIPS DEVELOP AND SEE FUTURE FACES COME A LITTLE QUICKER THAN MAYBE THIS ONE HAS COME FOR

COMMUNITY. BUT WE ARE HERE TO ASK FOR A ARD TODAY. I'M REALLY -- FOR THAT AWARD TODAY. I'M NOT PREPARED TO PRESENT MORE DETAILS, BUT I'M GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE AT THIS POINT.

I'M GOING TO REFER TO THE MAP.

Mayor Wynn: ALWAYS EXCITING WHEN COUNCILMEMBER ALVAREZ GOES OUT TO THE FLOOR. [APPLAUSE]

Alvarez: I DID WANT TO REITERATE WHAT YOU SEE HERE IS THE MASTER PLAN AND ACTUALLY NOT WHAT WE ARE APPROVING TODAY. JUST TO PUT A LITTLE BIT OF CONTEXT TO THIS, THERE'S A LOT OF CONTEXT TO THIS AS -- AS YOU CAN PROBABLY IMAGINE. WE'VE KIND OF READ FRUSTRATION ABOUT THE LEAPT OR DURATION OF THIS PROJECT ACTUALLY GETTING TO CONSTRUCTION, BUT -- BUT THE -- THE INITIAL RECOMMENDATION FOR THIS TYPE OF FACILITY CAN IN THE MID-70s AND SO HERE WE ARE IN THE MID-2000S -- I MEAN 2005, JUST BARELY ACTUALLY GETTING TO THE POINT WHERE WE CAN BUILD -- PART OF THE VISION THAT THE COMMUNITY IS ARTICULATING PART OF THE REASON IT TO COME A WHILE TO GET TO THIS POINT IS THAT THE CITY COUNCIL HIRED AN INTERNATIONALLY RENOWNED ARCHITECT, ALONG WITH A LOCAL TEAM, TO DESIGN THE FACILITY. SO THERE'S BEEN A LOT OF COORDINATION WITH THIS ARCHITECT, HE'S DONE PROJECTS ALL OVER THE WORLD. AND WE -- WE WENT THROUGH A VERY EXTENSIVE PUBLIC PROCESS TO COME UP WITH THIS MASTER PLAN, AGAIN ENGAGING THE COMMUNITY IN WHAT IS YOUR VISION FOR A CULTURAL CENTER IDEALLY, THIS WAS THE MASTER PLAN OR THE VISION THAT WAS ARTICULATED, OF COURSE, IN 1998 WHEN THE BONDS PASSED, YOU KNOW, THERE WAS ONLY \$11 MILLION APPROVED FOR THE FACILITY. THIS IS I THINK ONE OF THE 45 MILLION-DOLLAR OR MORE MASTER PLAN. BUT WANTED TO JUST KIND OF SHOW YOU KNOW WHAT WE ARE ACTUALLY PROPOSING FOR THIS FIRST PHASE IS -- IS A PORTION OF THIS CRESCENT BUILDING, ABOUT THIS PORTION, THIS PORTION HERE ROUGHLY, THEN THIS MULTIPLE PURPOSE ROOM. IN THE FUTURE THE VISION WAS THEY WOULD LIKE TO SEE A COUPLE OF THEATERS BUILT SO THAT THERE WILL BE -- MORE PERFORMANCE SPACES, YOU

KNOW, IN THE COMMUNITY, GENERALLY, BUT OBVIOUSLY AS PART OF THE MEXICAN-AMERICAN CULTURAL CENTER THIS PIECE BACK HERE IS ACTUALLY A PARKING GARAGE THAT ISN'T PART OF PHASE 1, EITHER, BUT WOULD COME -- BUT FOR WHICH THERE WOULD BE A NECESSITY WHEN -- WHEN WE WOULD BUILD SOME OF THE ADDITIONAL FACILITIES AND SO -- BUT I WANTED TO JUST KIND OF LAY IT OUT IN THIS WAY SO THAT FOLKS COULD SEE THAT -- THAT WE ARE MOVING FORWARD WITH JUST A PORTION OF THE VISION THAT THE COMMUNITY HAS FOR THIS PROJECT. OBVIOUSLY WE HAVE A NICE PLAZA OVERLOOKING TOWN LAKE RIGHT HERE, AND JUST FOR PERSPECTIVE PURPOSES, THIS IS RIVER STREET AND I-35 IS OVER IN THIS -- IN THIS AREA BACK HERE. BUT IT'S AN EXCITING DAY. AGAIN THIS IS A SUCCESS, A VICTORY FOR THE COMMUNITY REALLY THAT'S BEING REALIZED. AND WE -- WE WANT TO JUST MAKE SURE THAT -- THAT WE ARTICULATE THE VISION AGAIN THAT HAS COME OUT OF THIS PROCESS VERY LENGTHY PROCESS, SPANNING MORE THAN THREE DECADES NOW. AND THAT -- THAT IT'S FINALLY GOING TO BE REALIZED AND I KNOW WE WILL GET -- WE ARE GOING TO HEAR FROM HOPEFULLY SOME EXCITED FOLKS IN THE COMMUNITY ABOUT HOW THIS HAS BEEN A LONG TIME COMING, BUT OBVIOUSLY IT'S A GREAT DAY IN AUSTIN THAT WE CAN ACTUALLY MOVE FORWARD AND REALIZE, YOU KNOW, ONE OF THESE LONG-STANDING COMMUNITY -- COMMUNITY FACILITIES THAT'S GOING TO MAKE SUCH A HUGE IMPACT FOR US ON MANY DIFFERENT LEVELS. THAT'S JUST A LITTLE BACKGROUND, MAYOR, THAT I WANTED TO SHARE AND I'LL JUST TURN IT BACK OVER TO YOU. THANK YOU, SIR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS FROM THE DAIS, WE DO HAVE A NUMBER OF FOLKS SIGNED UP TO TALK ON THESE COMBINED ITEMS, 13, 23 AND 24.

Thomas: IF YOU DON'T MIND, FROM STAFF THIS IS A GREAT DAY, BUT WE WANT TO KNOW DO YOU HAVE ANY PLAN WHEN THE GROUND BREAKING WILL BE?

THANK YOU FOR REMINDING ME. THE GROUND BREAKING IS SCHEDULED FOR NOVEMBER 16th AND CONSTRUCTION SHOULD START IN MID-DECEMBER. WITH THE -- BUT THE

GROUND BREAKING IS SCHEDULED FOR NOVEMBER 16th
AND DETAILS WILL BE FORTHCOMING.

THANK YOU VERY MUCH.

Alvarez: IT'S ACTUALLY A WEDNESDAY AND IT WAS SOMETHING I WAS GOING TO TRY TO ENGAGE THE COUNCIL ON TO SEE IF -- IF WE TYPICALLY DO THESE SORTS OF THINGS ON A SATURDAY, BUT CERTAINLY AT THIS POINT YOU KNOW WE NEED TO JUST MOVE -- YOU KNOW, AS EXPEND DISHEXPEDITIOUSLY AS POSSIBLE. JUST KEEP IN MIND THAT THE 16th IS A WEEKDAY, IT'S A WEDNESDAY NIGHT. AND WE MAY WANT TO LOOK AT THE ISSUE OF ANY POTENTIAL CONFLICTS. THAT MAY EXIST. BUT THE 19th I BELIEVE, THE FOLLOWING SATURDAY, IS ANOTHER OPTION. AND I'M SURE WE WILL HEAR FROM -- FROM -- FROM FOLKS HERE ABOUT WHAT THEY THINK ON THOSE DATES. BUT -- BUT AGAIN IT'S AT LEAST GOOD THAT WE ARE DEBATING A GROUND -- THE DATES FOR THE GROUND BREAKING AT THIS POINT. SO -- BUT THE DEBATE CONTINUES. THANK YOU, MAYOR.

THANK YOU, COUNCILMEMBER. AGAIN, WE HAVE A -- WE HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US, SO WITHOUT FURTHER ADO, WE WILL GO STRAIGHT TO THE SIGNUP SHEET. OUR FIRST SPEAKER IS MICHAEL VON OLLAH, WELCOME, IS BETTY [INDISCERNIBLE] HERE. OKAY. OKAY. THEN.

I WROTE SOMETHING DOWN, BUT I'M NOT EVEN GOING TO PULL IT OUT. MAYOR, COUNCILMEMBERS, CITY MANAGER, MY NAME IS MICHAEL VON OLEN, WE OWN PRISM DEVELOPMENT, A SMALL CONSTRUCTION FIRM IN THE HEART OF EAST AUSTIN. I'M GLAD TO SEE FINALLY THE MAC HAS COME TO LIFE AGAIN, COMING TO FRUITION. I WANT TO THANK YOU ALL FOR YOUR SUPPORT AND HOPE THAT WE CAN MOVE THIS EXPEDITIOUSLY. IT IS THE MEXICAN-AMERICAN CULTURAL CENTER, THE CONTRACTOR THAT HOPEFULLY YOU WILL BE AWARDED TODAY IS A HISPANIC CONTRACTOR, WE HAVE A LOT OF THE MINORITY COMMUNITY ACROSS THE BOARD PARTICIPATING ON THIS JOB. I THINK THE OUTREACH, THE PARTICIPATION, THEY HAVE DONE AN OUTSTANDING JOB MAKING SURE THAT WE

HAD INCLUSION FROM ALL MEMBERS OF THE COMMUNITY. SO I HOPE THAT YOU MOVE FORWARD WITH THIS, IT'S BEEN A LONG TIME COMING. I'M ALSO ON THE EXECUTIVE BOARD OF DIRECTORS FOR THE HISPANIC CONTRACTORS ASSOCIATION. WE SUPPORT SOLIZ CONTRACTORS AS WELL FOR THE AWARD OF THIS PROJECT HERE TODAY. THANK YOU.

THANK YOU, MR. VON OHLEN, NEXT SPEAKER IS THOMAS CISNEROS. WELCOME, THOMAS, THREE MINUTES, FOLLOWED BY GUS GARCIA.

MAYOR, CITY COUNCIL, I HAD A CONFLICT SHOWING -- SOME OF THE NUMBERS BEING SHOWN DID NOT REFLECT THE BLACK CONTRACTORS, THE AMOUNT OF ALSO LOCAL HISPANIC CONTRACTORS THAT ARE TO PARTICIPATE IN THE CONSTRUCTION OF THIS FACILITY. I AM ALL FOR THIS FACILITY TO BE BUILT AND CONSTRUCTED, IT'S A LONG TIME COMING. BUT WHEN WE SET STANDARDS AND WE SET GOALS, I BELIEVE WE ARE SETTING THEM FOR EVERYBODY. EVERYBODY IN THIS TOWN THAT'S BIDDING WORK IN THIS TOWN AS A GENERAL CONTRACTOR. NOT JUST SET ASIDE, WELL IT LOOKS IN FAVOR OF, WE WILL WORK ON IT. BUT AT THE TIME OF WHEN WE ARE BIDDING JOBS THAT THE GOAL ARE MET. I AM ONLY ASKING IS THAT WE DO LOOK AT THE GOALS, WE BE DILIGENT IN BEING ABLE TO -- TO SET BY OUR STANDARDS, BELIEVE IN OUR STANDARDS AND HOLD TO OUR STANDARDS. THANK YOU.

Mayor Wynn: THANK YOU, MR. CISNEROS, WELCOME, MAYOR. PROUD TO HAVE YOU HERE. THIS IS ROSY MENDOZA OR DAVID RICE HERE? WITHOUT OBJECTION, COUNCIL, LET'S JUST LET -- SET THE CLOCK ASIDE FOR MAYOR GARCIA.

THANK YOU, MAYOR, COUNCILMEMBERS, GOOD TO BE HERE. I WAS GOING TO SAY TO RAUL, YOU CAN'T DO IT ON SATURDAY, THOSE ARE HOLIDAYS OF OBLIGATION, THAT'S WHEN WE PLAY FOOTBALL GAMES. [LAUGHTER] ANYWAY, I'M HERE BASICALLY IN FULL SUPPORT OF THE MAC. AND I WANT TO THANK THE COUNCIL FOR YOUR LEADERSHIP IN GETTING THIS -- IN GETTING THIS PROJECT TO MOVE FORWARD. IT'S BEEN LIKE THE COUNCILMEMBER SAID, A DILIGENT EFFORT ON THE PART OF THE COUNCIL AND THE COMMUNITY TO

HAVE THE PARTICIPATION FROM THE COMMUNITY SO THAT THEY HAVE THE BUY-IN. I THINK THE FACT THAT WE ARE A LITTLE BIT LATE DOES NOT MATTER. I THINK THE FACT THAT WE ARE HERE READY TO APPROVE SOMETHING THAT WE NEED AND I SAW YOUR COMMENTS YESTERDAY ABOUT DOWNTOWN, REDEVELOPMENT, WHICH ARE RIGHT ON, I WAS CHEERING FOR YOU ALMOST AS MUCH AS I CHEER FOR THE LONGHORNS WHEN THEY GET A TOUCHDOWN. AND YOU ARE RIGHT, THIS IS A DOWNTOWN PROJECT. IT IS VERY MUCH OF A DOWNTOWN PROJECT.

IT IS.

I'M HAPPY AND I WANT TO COMMEND THE COUNCILMEMBER AND THE CITY MANAGER WHO WORKED ON THE ADDITIONAL FUNDING THAT WAS -- SO THAT WE HAVE A PROJECT THAT MEETS THE NEEDS OF THE COMMUNITY. SO -- SO I'M HERE IN FULL SUPPORT AND I HOPE THAT YOU APPROVE ALL THREE ITEMS. THANK YOU.

Mayor Wynn: THANK YOU MAYOR, YOU'RE WELCOME. YOU LOOK WELL. VERONICA PEREZ? WELCOME, VERONICA. YOU WILL HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY ELIZA MAY.

THANK YOU, MAYOR WYNN AND THANK YOU, COUNCILMEMBERS FOR LETTING US SPEAK TODAY TO YOU. MY NAME IS VERONICA PEREZ, I'M CO-FOUNDER AND EXECUTIVE DIRECTOR OF LUPE ARTE. THE MISSION IS FOR THE DEVELOPMENT OF LITERACY, ACADEMIC ACHIEVEMENT, LITERACY OF CHILDREN GRADES K THROUGH 8. OUR GOAL IS TO NURTURE CHILDREN'S CREATIVITY, USING INTERDISCIPLINARY ART FORMS. WE ALSO SUPPORT MINORITY ARTISTS IN THEIR EFFORTS TO PROMOTE POSITIVE CHANGE THROUGH THEIR ART AND FURTHER GRASS ROOTS COMMUNITY INVOLVEMENT. WE HAVE BEEN IN EXISTENCE NOW FOR GOING ON SIX YEARS NOWMENT AND WE ARE VERY PROUD TO HAVE GROWN THE WAY WE HAVE GROWN. WE ARE NOW IN NINE SCHOOLS. WE SERVE AFTER SCHOOL PROGRAMS AT MARTIN, WEBB MIDDLE SCHOOL, ALLAN, PICKLE, GRAM, OAK SPRINGS, SIMS, WALNUT CREEK, HARRIS AND I THINK THAT'S IT, ALL OF THEM. WE ALSO SERVICE SPONSOR PROJECTS FOR

SPONSORED PROJECTS LIKE THIS COMING UP IN DECEMBER, IT OPENS UP THE DAY AFTER THANKSGIVING, THIS IS A PROJECT I'M VERY PROUD OF, WE WENT AHEAD AND DID THIS PROJECT KNOWING THAT WE WOULD SOME DAY BE AT A CENTER LIKE THE MAC. I APPRECIATE THE FACT THAT THIS IS BEING MOVED RIGHT ALONG BECAUSE WE ARE READY TO BE IN IT. WE HAVE THE FUNDS TO MAKE PROJECTS LIKE THIS HAPPEN. AND WE ARE JUST REALLY EXCITED THAT -- THAT YOU ARE MOVING ON IT. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU.

WELCOME, YOU WILL BE FOLLOWED BY MARTIN COTERA.

WITH ALL DUE RESPECT, MR. MAYOR, THE NAME IS ALICIA [INDISCERNIBLE]

SORRY.

GOOD AFTERNOON, COUNCILMEMBERS, WE ARE PLEASED TO BE HERE WITH YOU TODAY ON BEHALF OF THE GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE. I COME TO YOU IN FULL SUPPORT OF THE COMPLETION OF PHASE 1, YESTERDAY OUR -- OUR BOARD MEETING MET, OVERWHELMINGLY IS -- IS BACKING AND SUPPORTING THE COMPLETION OF PHASE 1. AS YOU ALL KNOW THE HISTORY, WE HAVE BEEN WORKING ON THIS ITEM FOR QUITE SOME TIME. I DO RECALL THAT BACK IN ABOUT 1991 OR SO, WE WERE TRYING TO -- WE WERE RIG TO GET THIS BOND -- TRYING TO GET THIS BOND PACKAGE GOING, IT CERTAINLY GOES BACK TO THE DAYS OF '88 WHEN EVERYONE WAS TRYING TO MAKE IT HAPPEN. WE ARE PLEASED IT'S MOVING FORWARD. GLAD TO BE A PART OF THE TEAM THAT'S MOVING FORWARD, CERTAINLY APPRECIATE ALL OF THE WORK OF COUNCILMEMBER ALVAREZ AND EVERYONE ELSE. JUST TO MAKE IT CLEAR, AS YOU MENTIONED EARLIER, ROSY MENDOSA ALSO REPRESENTING OUR CHAMBER IS WITH US TODAY, ASKED THAT I COME FORWARD AND REPRESENT OUR CHAMBER TODAY. WE SEE THE COMPLETION OF PHASE 1 FOR THE MAC AS A VERY IMPORTANT INTEGRAL PART OF CONVENTION SALES. IF YOU LOOK AT ITS POSITION, IT'S NOT GOING TO BE TOO FAR

FROM WHERE WE HAVE OUR MAJOR CONVENTION CENTER THAT WE HAVE BEEN ALREADY PUTTING A LOT OF MONEY AND BUILDING IT AND MOVING IT FORWARD. AS YOU KNOW, LAST YEAR WE BROUGHT IN THE USHHC CONVENTION, WHICH BROUGHT INTO OUR LOCAL ECONOMY \$6.5 MILLION. THAT IS ONLY ONE CONVENTION THAT WE BROUGHT IN. ONCE WE GET MORE ATTRACTIONS GOING, I CAN GUARANTEE YOU THAT THESE CONVENTIONS WILL COME BACK MORE OFTEN. THIS MAC CENTER WILL DEFINITELY BE ANOTHER PART OF WHAT WILL ATTRACT PEOPLE TO COME BACK TO OUR COMMUNITY. WITH THAT BEING SAID, I THINK IT'S A VERY WISE BUSINESS SENSE, IT'S A VERY SMART CULTURAL DIVERSIFICATION ACTIVITY THAT WE ARE DOING FOR THE CITY AND ULTIMATELY IT'S GOING TO BE A CENTER THAT ALL OF US WILL BE ABLE TO BE PROUD OF AND FEEL A PART OF. THANK YOU VERY MUCH. [APPLAUSE]

THANK YOU. WELCOME MS. COTERA, LAURIE RENTRIA IS OFFERING HER TIME TO YOU.

MY NAME IS LAURA COTERA, I'VE HAD THE PRIVILEGE, MY HUSBAND DOESN'T THINK IT'S A PRIVILEGE OF WORKING ON THE MAC BOND ADVISORY BOARD THIS YEAR AND LAST YEAR AS WELL. I'M ONE OF THE FEW PEOPLE I GUESS IN AUSTIN STILL REMAINING, STILL ALIVE THAT ACTUALLY STARTED WORKING ON THE CONCEPT OF THE MAC BACK IN 1974. AND THIS I WAS REMINDED LISA MAY, SHE'S MUCH YOUNGER, THAT THIS IS THE -- A YEAR FOLLOWING THE FOUNDING OF THE MEXICAN-AMERICAN CULTURAL CENTER AND I REMARK ON THAT -- MEXICAN AMERICAN CHAMBER OF COMMERCE, I REMARK ON THAT BECAUSE AUSTIN WAS HOSTING A FESTIVAL, AT THE UNIVERSITY THAT'S GONE NOW ON FIRST, ON CESAR CHAVEZ, AND I-35. AND THE IDEA BECAME ALIVE THEN OF HAVING A CULTURAL CENTER. AND A -- A UNITED ARTIST ORGANIZATION STARTED WORKING ON THE CONCEPT. SO IT'S BEEN THAT LONG. OF COURSE IT WAS MULTI-DISCIPLINARY, INCLUDING ARTISTS, ARCHITECTS, MUSICIANS, AND ALSO THE LITERARY ARTS. SO WE SEE THAT AND THE THEATER ARTS, WE SEE ALL OF THAT HAPPENING. I WANT TO THANK YOU SO MUCH, YOU CANNOT IMAGINE. I'M ALMOST DEAD. I MEAN, IT JUST FEELS SO GOOD I CAN'T FEEL IT ANYMORE. I CAN'T FEEL IT ANYMORE. I'M GOING TO GO HOME AND PINCH MYSELF. I GUESS PAUL IS

GOING TO DO THE SAME THING. WE HAVE BEEN PINCHING ON ON HIM FOR THE LAST TWO YEARS. BUT I DO WANT TO THANK YOU, THANK YOU FOR KEEPING THE FAITH. HELPING US TO KEEP THE FAITH AND FOR COMING THROUGH ON -- ON THE FUNDS. I KNOW THAT FUNDS ARE SCARCE, I KNOW WE SACRIFICE ABOUT THE MAC DEVELOPMENT FOR THE CITY'S SAKE. I WANT TO THANK ALL OF THE COUNCILMEMBERS, BETTY AND EVERYBODY WHO HAS SUPPORTED US, NEW COUNCIL PEOPLE AS WELL. I WANT TO TELL YOU AS ALYSSA MAY SAID. THIS IS GOING TO BE AN ECONOMIC PLUS FOR AUSTIN IN MANY WAYS, WE HAVE IDENTIFIED ABOUT 50 SURROUNDING COMMUNITIES FOR -- FOR -- THAT WE WILL BE REACHING OUT TO BRING THEM IN AND TO -- TO KIND OF DIVERT THEM FROM SAN ANTONIO. WE ALL NOW GO TO SAN ANTONIO FOR THEATER IN HOUSTON. AND SAN ANTONIO FOR VISUAL ARTS. BUT WE WILL BE DIVERTING I KNOW A LOT OF THESE CLOSER IN COMIEWBTS TO COMMUNITIES TO COME AND JOIN US, WE ARE WORKING DILIGENTLY ON A DATA BASE TO APPOINT THEM WITH OUR EFFORTS. YOU KNOW, TO INVITE THEM TO THE GRAND OPENING, ET CETERA. WE THINK THAT -- THAT AS WE APPROACH 40% OF THE POPULATION IN THIS COMMUNITY BEING LATINO, THAT IT IS -- IF WE WANT TO MAINTAIN OUR LEAD IN THE CULTURAL ARTS AND FINE ARTS, MUSIC INDUSTRY, ET CETERA, THAT -- THAT WE CANNOT START TOO SOON IN DEVELOPING MORE OF WHAT OUR COMMUNITY HAS DONE IN THE PAST 30 YEARS AND AUDIO YEBSAUDIENCE PARTICIPATION, THAT IT IS IMPERATIVE IF WE WANT THESE YOUNG KIDS TOMORROW, YOU KNOW, OF THE FUTURE GENERATIONS TO SUPPORT THE SYMPHONY, TO SUPPORT THEATER, SUPPORT OPERA, AND MUSEUM AS TAXPAYERS, AND AS PARTICIPANTS, WE HAVE GOT TO START RIGHT NOW. AND I CANNOT IMPRESS UPON YOU, YOU KNOW, THE IMPORTANCE OF SUPPORTING MINORITY CULTURAL ARTS IN GENERAL. BECAUSE THEN WE WILL HAVE A COMMUNITY THAT WILL CONTINUE TO KEEP AUSTIN PROUD AND KEEP AUSTIN INTELLIGENT AND THE KIND OF COMMUNITY THAT IT'S ALWAYS BEEN. BUT OF COURSE WE WERE DEPENDING ON YOU AND YOU HAVE COME THROUGH AND WE THANK YOU VERY MUCH. FOR YOUR SUPPORT. WE WILL DO OUR PART AS A COMMUNITY, AS OUR COMMUNITY HAS DONE FOR THE PAST 30 YEARS, IN AUDIENCE BUILDUP AND

PARTICIPATION. AND WE WILL MAKE THIS A NATIONAL GEM.
THANK YOU.

THANK YOU, MS. COTERA.

QUESTIONS FOR MS. COTERA, COUNCIL? THANK YOU.

Mayor Wynn: IN ADDITION TO THOSE FOLKS WHO WISHED TO SPEAK, A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN FAVOR, INCLUDING SABINE IN A RENARIA, JIM WALKER, SAMANTHA SMITH, LORRAINE AT A THER TON AND BOBBY GARZA HERNANDEZ. THAT'S ALL OF THE CITIZENS FROM ITEM 13, 23 OR 24. FURTHER COMMENTS?
COUNCILMEMBER KIM?

I KNOW THIS PROJECT HAS BEEN A GOOD TIME COMING, I REALLY APPLAUD EVERYONE FOR YOUR TERSES TENSE OVER MANY YEARS, IT STARTED WITH AN IDEA THAT EVOLVED INTO A VISION AND NOW WE ARE AT THIS POINT WHERE WE WILL BE TOGETHER AT THE GROUND BREAKING AND I AM SO THRILLED FOR THE HISPANIC COMMUNITY HERE. BUT ALSO FOR THE LARGER COMMUNITY HERE IN AUSTIN BECAUSE I BELIEVE JUST AS YOU DO THAT WHEN WE LEVERAGE OUR STRENGTHS IN TERMS OF OUR DIVERSITY, WE ARE STRONGER AS A COMMUNITY. AND I ALSO WANT TO THANK MAYOR GUS GARCIA FOR HIS LEADERSHIP ON THE COUNCIL AND AS MAYOR AND NOW AS A COMMUNITY LEADER AND HE IS SOMEONE THAT HAS TAUGHT THE ASIAN COMMUNITY A LOT ABOUT EMPOWERMENT AND DOING THE RIGHT THING AND HELPING OTHERS. SO I REALLY WANT TO THANK HIM FOR HIS LEADERSHIP. HE'S GIVING ME THE TIME OUT. [LAUGHTER] ONE OTHER PERSON THAT I WANT TO THANK WHO IS NOT HERE TODAY IS PEDRO GARZA. AND HE IS THE REGIONAL DIRECTOR OF THE ECONOMIC DEVELOPMENT ADMINISTRATION. HE USED TO BE MY BOSS. AND ALTHOUGH WE -- WE HAVEN'T FINALIZED THE 1.15, WE ARE ANTICIPATING THE 1.5 MILLION FOR THE MEXICAN-AMERICAN CULTURAL CENTER AT A TIME THAT WE REALLY NEED IT TO -- TO BE COMPLETED. HE IS SOMEONE THAT I REALLY ADMIRE AND HAS TAUGHT ME A LOT ABOUT WHAT IT MEANS FOR ECONOMIC PROSPERITY, THAT WE ALL HAVE A ROLE, THAT WE ALL HAVE A PART TO PLAY IN ENSURING THAT WE HAVE A FUTURE, THAT TO -- TO BUILD FOR OUR

CHILDREN AND PART OF THAT IS EMBRACING OUR CULTURAL DIVERSITY. AND WHERE WE COME FROM, NEVER FORGETTING THAT. SO I WANT TO THANK HIM AS WELL. AND I LOOK FORWARD TO SEEING YOU ALL AT THE GROUND BREAKING AND EVENTUALLY AT THE RIBBON CUTTING. THANK YOU. [APPLAUSE] FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ?

I WANT TO ACKNOWLEDGE MAYOR GARCIA'S ROLE IN ALL OF THIS. HE OBVIOUSLY WAS ON THE COUNCIL WHEN THE BOND ITEM WAS PLACED UP FOR A VOTE, YOU KNOW, OF THE -- OF THE ELECTORATE AND WAS SUBSEQUENTLY -- VOTED, WAS APPROVED BY THE VOTERS. AND -- AND WAS INVOLVED IN -- IN AS WE MOVE FORWARD THROUGH THE PLANNING PROCESS FOR THE PROJECT AND -- BUT HE -- HE KNOWS A LOT -- A LOT OF THE HISTORY THAT WENT ON. BEFORE IT EVEN MADE IT TO THE -- TO THE 1998 BOND VOTE AND -- AND BECAUSE OBVIOUSLY WHEN I CAME IN AND AT THE SAME TIME AS MAYOR WYNN AND MAYOR PRO TEM THOMAS, THEN WE KIND OF TOOK OVER THE -- THE CHARGE OF -- OF GETTING THE -- THE COMMUNITY UNITED AND BEHIND THE PROJECT AND IT -- BECAUSE OF THE LENGTH OF THIS BATTLE, YOU KNOW, OF THIS STRUGGLE TO GET THE CENTER BUILT HAS BEEN A -- YOU'VE HAD PEAKS AND VALLEYS OF INVOLVEMENT. AND SO I THINK THAT WE ARE AT A GOOD PLACE WHERE THERE'S A LOT OF GOOD ENERGY AND CAMARADERIE WITHIN THE LATINO ARTS COMMUNITY AND BETWEEN THE LATINO COMMUNITY IN GENERAL AND SO I BELIEVE THIS WILL BE A CENTER THAT WILL FURTHER STRENGTHEN THOSE BONDS AND STRENGTHEN THE LATINO COMMUNITY IN GENERAL. BUT ALSO MAKE OUR -- OUR COMMUNITY STRONGER AS WELL. AND -- AND AS HAS BEEN ALLUDED TO, ITS PROXIMITY TO THE CONVENTION CENTER IS -- IS -- IS A VERY -- A VERY IMPORTANT ASPECT, YOU KNOW, OF THIS PARTICULAR PROJECT. WE NEED TO TALK ABOUT CONNECTIONS BETWEEN THE -- BETWEEN THE CONVENTION CENTER AND THE MAC A LITTLE BIT, YOU KNOW, IN THE NEAR FUTURE. BUT -- BUT I THINK THAT, YOU KNOW, HAVING BEEN RECOGNIZED, THE LAST COUPLE OF YEARS AS THE BEST CITY FOR HISPANICS, I THINK THAT THIS EVEN MORE REALLY WILL CEMENT, YOU KNOW, THE -- OUR COMMITMENT TO THE HISPANIC COMMUNITY, THE FACT

THAT THIS PROJECT IS -- IS MOVING FORWARD AND -- AND THAT WE WERE ABLE TO IDENTIFY THREE MILLION DOLLARS IN NON-BOND FUNDING TO MAKE SURE THAT THE PROJECT HAPPENS. I MEAN, I THINK SOMETIMES THAT -- THAT THE NUMBERS WHEN WE TALK ABOUT NUMBERS AT THIS LEVEL, PEOPLE DON'T FORGET -- PEOPLE FORGET SORT OF HOW MUCH MONEY WE'RE TALKING ABOUT. BUT 3 MILLION IS -- FOR SOME PEOPLE IT'S LIKE WINNING THE LOTTERY. YOU KNOW, SO BUT WE WERE ABLE TO MAKE THAT HAPPEN. I DO WANT TO THANK THE CITY MANAGER FOR DETERMINING, YOU KNOW, A WAY TO MOVE FORWARD WITH VARIOUS COMPONENTS OF THIS PROJECT AND CERTAINLY YOU ARE OPTIMISTIC ABOUT OUR CHANCES WITH EDA AND I WANT TO ECHO COUNCILMEMBER KIM'S ALSO THANKS, THAT SHE GAVE TO PEDRO. BECAUSE HE LIKE MAYOR GARCIA HAS A LOT OF PERSPECTIVE ON THIS ISSUE AS WELL. HAS SEEN THE COUNCILMEMBERS COME AND GO AND THE IDEA -- BUT THE IDEAS STILL REMAIN, IT WAS THE COMMUNITY THAT KEPT THE IDEA ALIVE. I'M GLAD TO SEE SEVERAL COMMUNITY MEMBERS THAT ARE HERE, ESPECIALLY MARTA WHO CONTINUES TO SAY, MARTA COTERA AS A MEMBER OF THE MEXICAN-AMERICAN CULTURAL CENTER ADVISORY BOARD. SO VERY -- VERY DIRECT CAPACITY AND A VERY DIRECTLY INVOLVED STILL WITH THE PROJECT AND I WOULD NOTE THAT WE HAVE RODRIGUEZ HERE, ALSO, WHO IS THE CHAIR OF THE BOARD. CURRENTLY. AND ANY OTHER BOARD MEMBERS HERE? I DON'T RECOGNIZE THEM, BUT COULDN'T GET AWAY NECESSARILY IN THE MIDDLE OF THE DAY. BUT I DO WANT TO THANK THE BOARD, WORKING VERY HARD THESE LAST THREE YEARS, WE ARE FINALLY TO THE POINT WHERE WE COULD MOVE FORWARD, WE WANT TO THANK EVERYONE FOR THEIR PATIENCE. AND LOOK FORWARD TO THE GROUND BREAKING. BUT REALLY MAYOR I WANTED TO JUST KIND OF THANK EVERYBODY WHO GOT US TO THIS POINT AND IT'S BEEN -- IT'S BEEN A LOT OF FUN, WE WILL JUST PUT IT THAT WAY. WE WILL -- THERE'S MORE FUN TO COME. BUT THANK YOU, ESPECIALLY TO OUR CITY MANAGER HERE -- FOR HELPING US TO IDENTIFY THE ADDITIONAL RESOURCES. [APPLAUSE]

Mayor Wynn: AGREED. THANK YOU, COUNCILMEMBER, AGREED. ALSO I APPRECIATE MAYOR GARCIA BEING HERE

AND POINTED OUT THAT IN ADDITION TO A A LONG AWAITED IMPACT THIS CAN HAD HAVE ON OUR MEXICAN-AMERICAN CULTURAL CENTER, THE FACT THAT IT IS IN OUR CITY CENTER, IT WILL BE UNDER CONSTRUCTION THE SAME TIME THE LONG CENTER IS NOW BEING RECONSTRUCTED. I THINK WITHIN SOME PERIOD OF TIME YOU ARE GOING TO SEE BALLET AUSTIN STARTING CONSTRUCTION ON SOME FACILITY, A TRACT OF LAND THEY OWN HERE IN THE URBAN CORE. OF COURSE THE OPPORTUNITY WITH THE NEW CHILDREN'S MUSEUM ON BLOCK 21. TALK OF A NEW POTENTIAL CENTRAL LIBRARY IN THE DOWNTOWN AREA. SO IT'S REMARKABLE THAT WE CAN PULL THESE CULTURAL ASSETS INTO OUR CENTER CITY AND DO SO MUCH FOR SO MANY PEOPLE. THE MAC IS GOING TO BE A FUNDAMENTAL PART OF THIS INTERWOVEN, VERY DYNAMIC URBAN CORE, VERY, VERY SOON. WE ARE ALL VERY EXCITED ABOUT IT. SO COUNCILMEMBER ALVAREZ MOVES APPROVAL THE COMBINED ITEMS, 13, 23 AND 24. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: I GUESS I WOULD CERTAINLY WANT TO RECOGNIZE THE CONTRACTOR, WHO IS HERE, WHO WAS RECOMMENDED. I THINK HE'S HERE. FOR SOLIS CONSTRUCTORS. ALSO ITEM 23, AND ITEM 24, WHICH IS, YOU KNOW, TO CONTINUE OUR -- OUR -- OUR RELATIONSHIP, YOU KNOW, CONTRACTUAL RELATIONSHIP WITH -- WITH CASA BELLA AND DEL CAMPO MARU, THE DESIGN TEAM. THANK YOU FOR BEING HERE, FOR YOUR PATIENCE, ALSO, AS WE HAVE GONE THROUGH DIFFERENT ITERATIONS OF THE VARIOUS PHASES OF THIS PROJECT AND FOR BEING OPEN TO -- TO A LOT OF IDEAS AND A LOT OF INPUT, YOU KNOW, FROM THE COMMUNITY AND WE LOOK FORWARD TO TAKING IT TO THE NEXT LEVEL. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, AGAIN, COUNCILMEMBER. A MOTION ON THE TABLE FROM COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEMS 13, 23, 24. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. [APPLAUSE] COUPLE, THAT NOW TAKES US TO THE 2:00 BOND SALES, WE HAVE POSTED ITEM NO. 51, WHICH AUTHORIZING A WATER AND WASTEWATER SYSTEM REVENUE REFUNDING BOND. A BRIEF PRESENTATION.

GOOD AFTERNOON, I'M BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT, WE SERVE AS FINANCE ADVISORS, MY PARTNER CHRIS ALLEN WILL BE GIVING OUT BOOKS ON THIS ITEM. EXCUSE ME, IT IS ITEM NO. 51. THE AMOUNT MAY BE SLIGHTLY DIFFERENT THAN WHAT YOU HAD IN YOUR AGENDA ITEM. THE AMOUNT IS \$142,335,000. THIS IS REALLY A TWO PEACE BOND SALE, MAYOR. PART OF IT, 135 MILLION OF IT, IS TO TAKE LONG, IF YOU WOULD, TO ISSUE LONG-TERM DEBT FOR YOUR TAX EXEMPT COMMERCIAL PAPER. THAT'S 135 MILLION. THE OTHER PIECE IS A \$6,560,000 PIECE THAT REFUNDED SOME OUTSTANDING MUNICIPAL UTILITY DISTRICT BONDS. I WOULD MENTION TO YOU AT THIS TIME THAT THE -- THAT THE TWO PIECES IN TANDEM DID COMPLY WITH YOUR EXISTING FINANCIAL POLICIES THAT YOU HAVE IN PLACE AND IN TERMS OF THE REVENUE REFUNDING CONTRACT PIECE, FOR INSTANCE, THERE WAS A SAVINGS AFFORDED TO THAT PIECE OF SOME \$416,000 OR 6.35% OF THE PRINCIPAL AMOUNT. THE CITY'S THRESHOLD AND ITS FINANCIAL POLICIES FOR THAT ACTION IS 4.5%. PAGE 3, THIS ISSUE LISTS SOME OF THE PLAYERS, IF YOU WOULD. HERE WITH US, YOUR BOND COUNSEL BOB [INDISCERNIBLE] IS HERE IN THE BACK BACK THERE. THIS WAS A COMPETITIVE SALE AND AN INTERNET SALE. I WON'T BORE YOU WITH PAGE 4. IT MERELY SHOW YOU A STATIC LOOK AT THE BOND BUYER AND TREASURY INDEX. PAGE 5, THERE WAS A SUBSTANTIAL AMOUNT OF BUSINESS IN THE MARKET THIS WEEK ON THE COMPETITIVE SIDE. YOU WERE CERTAINLY WEREN'T THE LARGEST BUT NOT THE SMALLEST AS WELL. PAGE SIX IS A SUMMATION OF THE TRANSACTION. A LOT OF GOOD INTEREST RATES THERE. I THINK THE MAIN THING IS THAT IT BOILS DOWN TO A TRUE INTEREST COST FOR THE CITY OF SOME 4.58%. YOU HAD A TOTAL OF 12 BIDDERS THAT YOU SEE ON THE NEXT PAGE. THE DIFFERENCE BETWEEN THE TOP AND THE BOTTOM BIDDER, IF YOU WOULD, WAS ONLY .3 OF A PERCENT, WHICH TELLS YOU THAT YOU HAVE A REPRESENTATIVE BID OF THE MARKET IN PLACE. LASTLY, I

WOULD MENTION ONE THING, MOODY'S, OF THE THREE RATING AGENCY, MOODY'S IS THE MOST CONSERVATIVE OF THE THREE. THEY ELECTED ON THIS OCCASION TO GIVE YOU AN UPGRADE FROM A 2 TO A 1 ON OUTSTANDING REVENUE BONDS, WHICH TAKES YOU TO THE HIGHEST RATING CATEGORY IN THE A CATEGORY FOR THIS. THEY HAVE TAKEN YOU UP TWICE OVER THE LAST FEW YEARS AND SO HAS THE REST OF THEM. THE REASON FOR THAT THAT THEY PUT IN THE RATING REPORT IS SOUND FISCAL POLICIES PUT IN PLACE BY THIS COUNCIL. THEY CITE STRONG CITY MANAGEMENT, STRONG FINANCIAL GOVERNANCE AT THE CITY WATER AND WASTEWATER DEPARTMENT LEVEL. THAT APPLIES OF COURSE TO CHRIS [INDISCERNIBLE] AND OTHERS. IT SAYS A GREAT DEAL FOR WHAT YOU HAVE DONE. THOSE POLICIES THAT YOU HAVE PUT IN PLACE AND THE STRONG WORK OF YOUR STAFF. I WOULD COMMEND YOU FOR THAT. LASTLY, I WOULD BE REMISS IF I DIDN'T MENTION THE HARD WORK THAT [INDISCERNIBLE] AND HIS STAFF PUTS IN ON THESE THINGS, WE APPRECIATE IT. LASTLY I WOULD RECOMMEND APPROVAL.

Mayor Wynn: THANK YOU, MR. NEWMAN. QUESTIONS? COUNCIL? COUNCILMEMBER MCCRACKEN?

McCracken: I THINK THIS IS JUST A REMINDER, CONGRATULATIONS ON GREAT WORK. WE HAVE SEEN THE -- TOO MUCH OF OUR GOVERNMENT, PARTICULARLY IN RESPONSE TO KATRINA ON THE NATIONAL LEVEL A COMBINATION OF INEFFECTIVE GOVERNMENT AND FISCAL IRRESPONSIBILITY. WHAT WE ARE SHOWING THE CITY OF AUSTIN DOESN'T HAVE TO BE THAT WAY. YOU CAN HAVE THE HIGHEST POSSIBLE BOND RATINGS ACROSS THE BOARD AND ALSO RAPID FIRE, EFFECTIVE EFFICIENT RESPONSES IN YOUR GOVERNMENT SERVICES AND IT COMES FROM TAKING IT SERIOUSLY. BILL, YOU ALL ARE DOING A GREAT JOB, TOBY, YOU ARE, TOO. IS THIS IS A REFLEX OF A JOB WELL DONE, A GOOD VALUE FOR THE TAXPAYERS.

Futrell: I WOULD LIKE CHRIS TO STAND FOR A MOMENT. IT'S NOT EVERY DAY THAT YOUR BOND GET UPGRADED. I AM VERY PROUD AT THIS TIME. THANK YOU GUYS TREMENDOUS JOB. [APPLAUSE]

Mayor Wynn: COUNCILMEMBER MCCRACKEN MOVES APPROVAL, SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU AGAIN, CONGRATULATIONS.

THANK YOU, MR. NEWMAN.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, ALTHOUGH WE HAVE A COUPLE OF BRIEFINGS, WE HAVE SOME -- SOME SENIOR STAFF HERE REGARDING OUR AHFC BOARD MEETING. WITHOUT OBJECTION WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, QUICKLY CALL TO ORDER THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE CORPORATION, WELCOME MR. PAUL HILGERS.

Futrell: OUR SENIOR STAFF MEMBER. [LAUGHTER]

LOTS OF GRAY HAIR LATELY.

AMEN. THANK YOU, MR. PRESIDENT OF THE AHFC BOARD. THANK YOU AND VICE VICE-PRESIDENT. I AM PAUL HILGERS, HERE TO BRING BEFORE YOU TWO ITEMS TODAY. FIRST IS THE SIMPLE APPROVE OF THE MINUTES OF OCTOBER 6th 2005 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: I'LL ENTERTAIN A MOTION. MOTION MADE BY BOARD MEMBER INCOMEMCCRACKEN, SECONDED BY THE VICE-PRESIDENT TO APPROVE AHFC 1 OUR MINUTES FROM LAST MEETING. ALL IN FAVOR?

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH BOARD MEMBER LEFFINGWELL TEMPORARILY OFF THE DAIS.

THANK YOU. AHFC ITEM NO. 2 IS TO APPROVE A RESOLUTION

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH KEYSTONE CONSTRUCTION, INCORPORATED, AUSTIN, TEXAS TO INSTALL INFRASTRUCTURE IMPROVEMENTS IN THE MONTOPOLIS SUBDIVISION FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED 2,314,636.90. 2,313,737.90. THIS WILL COME FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND THE SMART HOUSING CAPITAL IMPROVEMENT PROGRAM, DOLLARS WHICH HAVE BEEN ALLOCATED IN YOUR BUDGETS TO -- TO ACCOMPLISH THIS PROJECT. THIS SUBDIVISION IS 19-ACRES, PLUS, OF LAND OFF OF THE FRONTIER VALLEY DRIVE. HOME WILL -- ALL HOMES WILL BE SOLD TO HOME BUYERS EARNING LESS THAN 80 PERCENT OF MEDIAN FAMILY INCOME, BUT AT SIGNIFICANT EFFORTS HAVE BEEN MADE ALREADY AND WILL CONTINUE TO BE MADE TO OFFER THESE HOMES TO FAMILIES AT LOWER INCOME LEVELS THAN THAT. OF COURSE THAT'S LOCATED JUST A FEW MILES FROM DOWNTOWN AND IT'S -- IT'S AN 81 LOT SINGLE FAMILY SUBDIVISION. OF COURSE, WE ARE LOOKING AT HAVING SOME MIXED INCOME COMPONENT OF THIS IN THE COMMUNITY, WORK TO PRESERVE THE CHARACTER OF THE NEIGHBORHOOD, THE NEIGHBORHOOD DESIGN GUIDELINES, THERE WILL BE SOME -- OF COURSE THEY WILL ALL BE SMART HOUSING, BUT THERE'S ALSO AN EFFORT TO -- TO ENSURE THAT WE HAVE SOME VERY STRONG COMMITMENTS TO ENERGY EFFICIENCY, GREEN BUILDING DESIGNS, THIS WAS THE -- THE SUBDIVISION WHERE WE HAD LOOKED AT THE [INDISCERNIBLE] SUBDIVISION, SO WE ARE STILL FOCUSING ON REDUCING ENERGY COSTS AS MUCH AS POSSIBLE TO KEEP SOME SUSTAINABILITY FOR THIS PROJECT. AND THE -- WE ALSO ARE LOOKING TO PARTNER WITH NON-PROFITS, IT WILL BE VERY SIMILAR TO SOME OTHER MODEL PROGRAMS WE HAVE DONE. WE WILL HAVE BOTH NON-PROFITS BUILDING ON THIS, SOME FOR PROFITS, SMALL BUILDERS, WE EVEN LOOK TO SOME OPPORTUNITIES TO -- TO DO SOME TRAINING IN CAPACITY DEVELOPMENT FOR OTHER NON-PROFITS ON SOME OF THESE 81 LOTS, BUT IT WILL BE SMALL BUILDERS, BOTH NON-PROFIT, FOR PROFIT, ALLOW US TO PROVIDE SOME DEEPER LEVELS OF SUBSIDY THROUGH THOSE NON-PROFITS. WE LOOK TO SEE THE -- THE CONSTRUCTION BEGINNING ON THIS SUBDIVISION VERY QUICKLY. HOME CONSTRUCTION TO BEGIN IN THE

SPRING OF 2006. SO WE ARE EXCITED THAT WE ARE ABLE TO TO BRING THIS PROJECT UP FOR CONSIDERATION. AND -- AND WE RECOMMEND IT TO YOU FOR YOUR APPROVAL. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

... WE'RE TRYING TO ACHIEVE BECAUSE OBVIOUSLY IF YOU ARE SAVING ON THE LAND COSTS AND THEN SAVING ON INFRASTRUCTURE, THEN WHOEVER WE PARTNER WITH OBVIOUSLY WOULD HAVE A MUCH BETTER CHANCE TO TRY TO REACH THOSE DEEPER LEVELS OF AFFORDABILITY. WHAT ARE OUR TARGETS AGAIN?

OUR TARGETS ARE GOING TO BE TRY TO LOOK AND GET AS CLOSE -- AROUND THE 60% OF MEDIAN FAMILY INCOME RANGE IS WHERE WE'RE LOOKING. WE WANT TO HAVE SOME MIXED INCOME, BUT WE WOULD GO NOT ABOVE 80% IN ANY OF THESE HOMES. IN MOST OF OUR SMART HOUSING SUBDIVISIONS, 40% AFFORDABILITY IS WHAT WE'RE LOOKING FOR, BUT TO MAINTAIN THE CHARACTER AND ADDRESS THE ISSUES, SOME DEGREES OF GENTRIFICATION, ONE OF THE ISSUES THAT PROHIBITED US FROM GOING FORWARD WITH THE ENERGY SUBDIVISION WAS THE HIGH COST OF THOSE HOMES WAS GOING TO BE PROHIBITIVE FOR SOME OF THE PEOPLE IN THOSE NEIGHBORHOODS JUST BECAUSE OF THE EXTRA BELLS AND WHISTLES THOSE HOMES COME WITH. WHILE WE STILL WANT SOME BELLS AND WHISTLES FROM AN ENERGY EFFICIENT STANDPOINT, WE ARE GOING TO BE STRUCTURING THESE TRANSACTIONS IN A WAY WHERE IN SOME CASES WE HOPE TO SELL THE LAND, THE COST OF THE DEVELOPMENT OUTRIGHT WITH THE HOME; IN OTHER CASES WHEN WE'RE SERVING PEOPLE WITH LOWER NEEDS, WE MAY HAVE A RESTRICTIVE COVENANT AND PRESERVE THE AFFORDABILITY ON SOME OF THESE LOTS FOR A LONGER PERIOD OF TIME. BEING ABLE TO HAVE THESE SUBDIVISIONS LETS US LOOK AT STRUCK YOU ARING WITH NO ONE PROFITS IN A WAY THAT WILL SERVE A VARIETY OF INCOME LEVELS AND EXACTLY HOW THESE FINANCING PACKETS WILL BE PUT TOGETHER IS SOMETHING WE'LL CONTINUE TO WORK THROUGH AS WE DEVELOP THE CONSTRUCTION PLANS FOR THE HOUSES.

Alvarez: AND SO IS IT POSSIBLE THAT SOME OF THIS MONEY

WOULD KIND OF REVOLVE, SO TO SPEAK --

ABSOLUTELY. AND I WAS TRYING TO ASK THAT QUESTION EARLIER, AND WHEN WE WERE BRINGING THIS FORWARD, I WAS TRYING TO GET SOME KIND OF ANALYSIS OF JUST HOW MUCH MONEY WILL WE ACTUALLY -- CASH, IF YOU WILL, WILL WE REVOLVE. I DON'T REALLY WANT TO GIVE YOU AN ESTIMATE OF THAT. ALL OF THIS INVESTMENT WOULD BE PRESERVED FOR HOUSING AFFORDABILITY. SOME OF IT WELY WE WILL BE ABLE TO REVOLVE INTO OUR POOL OF CAPITAL IMPROVEMENT DOLLARS. SOME OF IT WILL BE IN A MORTGAGE WRITE-DOWN SO THAT WE'LL HAVE A SOFT SECOND ON THOSE. AND SO THE PEOPLE WOULD NOT -- THE HOME BUYERS WOULD NOT NECESSARILY PAY FOR THAT, BUT THEY WOULD HAVE THAT VALUE THAT WE'RE INVESTING IN THEM. SO WE WOULD ANTICIPATE THAT WE WOULD GET SOME OF THIS MONEY BACK, THOUGH, TO BE ABLE TO USE AGAIN IN THE FUTURE.

Alvarez: I MEAN EVEN WITH THE LAND AND INFRASTRUCTURE COST SAVINGS, IF YOU WILL, YOU KNOW, IF 80% OF THEM -- 120 --

ABOUT 125,000 IS ABOUT THE MAXIMUM. AND SO --

Alvarez: SO YOU THEN, YOU KNOW, LET'S SAY YOU'RE SAVING MONEY ON THE INFRASTRUCTURE AND ANOTHER 30 -- 25,000 ON THAT AND 30 ON THE -- POTENTIALLY, YOU KNOW, ON THE LOT ITSELF, THEN THAT REALLY JUST GETS YOU TO, AT THE MOST, YOU KNOW, 80,000, 80, 90,000.

RIGHT, EXACTLY.

Alvarez: IF YOU DON'T TRY TO KIND OF HAVE SOME OF THAT MONEY KIND OF FLOW BACK INTO OUR C.I.P. FUND THAT CAN FUND OTHER PROJECTS AND OTHER HOUSING AS WELL. I THINK THE IDEA, YOU KNOW, OF HAVING SOME CLOSE TO THE 80% AND SOME EVEN BELOW THE 60% IS A GOOD APPROACH IN TERMS OF THE MIXED INCOME ASPECT. BUT ALSO KIND OF LOOKING TO SEE, YOU KNOW, HOW WE MIGHT -- WHAT WE CAN LEARN FROM THIS EXPERIENCE BECAUSE, YOU KNOW, WE HAVE, YOU KNOW, OTHER PRETTY SIGNIFICANT PIECES OF LAND THAT WE OWN THAT COULD

BE DEVELOPED, YOU KNOW, AND SO PART OF WHAT WE'RE DOING HERE, IT SEEMS TO ME, IS TRYING TO COME UP WITH A GOOD MODEL THAT -- THAT PROVIDES THE AFFORDABILITY AT THE VALUE -- YOU KNOW, PROVIDES VALUE AT VARIOUS LEVELS OF AFFORDABILITY AND HOPEFULLY PRESERVES SOME OF THE VALUE THAT WE HAVE IN THESE PROPERTIES FOR US SO THAT WE CAN INVEST, YOU KNOW, IN OTHER PROGRAMS AND PROJECTS. I JUST WANT TO COMMEND YOU, YOU AND YOUR STAFF, AND THIS IS A VERY EXCITING PROJECT IN AN AREA WHERE OBVIOUSLY THERE IS A LOT OF NEED FOR AFFORDABLE HOUSING AND I THINK MONTOPOLIS USED TO BE CONSIDERED THE OUTSKURTSZ OR THE PERIPHERY OF TOWN, BUT I THINK IT'S CONSIDERED CENTRAL CITY NOW. SO IT'S OBVIOUSLY A FANTASTIC LOCATION, YOU KNOW, FOR THESE FAMILIES. IT'S VERY, YOU KNOW, ACCESSIBLE BY VARIOUS MODES OF TRANSPORTATION. SO REALLY IT'S A VERY EXCITING PROJECT.

THANK YOU, AND I JUST WANTED TO REITERATE ONE OTHER POINT IS THAT SOME OF THIS LAND WAS ACTUALLY SOME OF THE LAND THAT WAS SURPLUS PROPERTY FROM AUSTIN ENERGY. THAT'S WHAT YOU WERE REFERRING TO AND I WANT TO MAKE THAT CLEAR. SOME OF THIS LAND WE PURCHASED, SOME OF THIS LAND WAS TRANSFERRED TO THE AUSTIN HOUSING FINANCE CORPORATION CONSISTENT WITH THE SMART HOUSING ORDINANCE AND RESOLUTIONS THAT ALLOW US TO DO THIS. SO YOU'RE RIGHT WITH THAT NOT BE A COST TO BUY THIS LAND AND AS THE COST OF LAND IS GOING UP, WE ALREADY HAVE THAT INVESTMENT THAT WE DON'T HAVE TO MAKE SO THE COST OF THE DEVELOPMENT HERE IS SOMETHING THAT WE WANT TO LOOK THE STRUCTURE JUST EXACTLY THE WAY YOU DESCRIBED. WE HAVE WE THINK REALLY GREAT MODELS AND WHAT THIS REALLY ALLOWS US TO DO IS IMPROVE UPON THE MODELS THAT WE'VE ALREADY GOT ESTABLISHED AND TO CONTINUE TO TWEAK AND LOOK AT HOW WE CAN INVOLVE MORE PEOPLE, MORE NONPROFITS, MORE DEVELOPERS INTO THIS CHALLENGE OF CREATING AFFORDABLE HOUSING IN THE COMMUNITY. SO THANK YOU.

Alvarez: MIGHT EVEN PLAN TO OUR COMMUNITY LAND TRUST PROGRAM THAT MAY BE DEVELOPED AT SOME POINT IN THE

FUTURE. ANYWAY, THAT'S ALL, MAYOR. YOU KNOW, IF THERE'S ANY OTHER COMMENTS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER KIM.

Kim: I THINK THIS IS A FASCINATING PROJECT IN TERMS OF THE INNOVATIONS AND WORKING WITH AUSTIN ENERGY AND TO FINANCE THE INFRASTRUCTURE FOR FINDING MORE HOMEOWNERSHIP OPPORTUNITIES IN -- AS COUNCILMEMBER ALVAREZ PUT, NOW PRETTY MUCH CENTRAL AUSTIN. AND I WANT TO KNOW, I GUESS, WE'RE COMING BACK FOR ANOTHER VOTE THEN IN THE SPRING OR WHAT IS THE TIME LINE NOW?

THE TIME LINE WOULD BE THE CONSTRUCTION FOR THE INFRASTRUCTURE WOULD ACTUALLY BEGIN NOW. AND THEN THIS SPRING THE HOUSING CONSTRUCTION WOULD ACTUALLY START. SO WE WOULD BE READY TO START THE HOUSING CONSTRUCTION AROUND THE MARCH-APRIL TIME FRAME.

Kim: IS THAT GOING TO BE A SEPARATE PROCESS THAT THE COUNCIL IS GOING TO APPROVE IN TERMS OF WHO IS GOING TO DO THAT CONSTRUCTION?

YEAH, WE WOULD BRING FORWARD THE CONTRACT FOR -- AND THE HOUSING CONSTRUCTION COSTS TO THE BOARD OF THE HFC. THE MONEY HAS BEEN ALLOCATED TO THE FINANCE CORPORATION FOR THIS PROJECT SO THE BOARD OF THE HFC WOULD OVERSEE AND HAVE THE APPROVAL OF THE LARGER HOUSING CONSTRUCTION CONTRACTS IN THIS DEVELOPMENT.

Kim: OKAY. GREAT. I WOULD LIKE TO LEARN MORE ABOUT THIS PROJECT AND FOLLOW IT. IF YOU COULD, KEEP ME APPRISED.

THANK YOU.

Mayor Wynn: MORE COMMENTS, QUESTIONS?

Thomas: MR. PRESIDENT, IF YOU DON'T MIND. MR. HILGERS,

GIVE ME THE AREA IN MONTOPOLIS. WHERE IS IT LOCATED?

THE AREA OF THIS IS AT THE END OF FRONTIER VALLEY, OKAY, RIGHT AT THE BASE OF FRONTIER VALLEY WHERE IT DEAD ENDS, YOU KNOW YOU HAVE THE CENTEX HOME DEVELOPMENT GOING ON THE EASTERN PORTION OF FRONTIER VALLEY, WHAT IS NORTH OF RIVERSIDE. IT'S -- I ALWAYS WANT TO THINK THAT'S SOUTH OF RIVERSIDE BUT IT'S ACTUALLY NORTH OF RIVERSIDE. THERE'S A COUPLE OF MOBILE HOME PARKS -- ONE MOBILE HOME PARK ACROSS FROM THE STREET FROM EACH OTHER. SO THIS IS IN THAT BACK AREA AND WE'RE GOING TO LOOK TO SEE SOME -- WORK SOME CONNECTIVITY BETWEEN THE NEIGHBORHOOD THAT'S THERE EXISTING BACK INTO THIS. WE'VE GOT OPEN SPACE, SOME PARKS WE CAN WORK WITH, SO IT IS A VERY EXCITING PROJECT, BUT IT'S RIGHT AT THE BASE OF FRONTIER VALLEY JUST NORTH OF RIVERSIDE.

Thomas: THANK YOU. THAT WILL BE VERY ENHANCING TO THAT AREA.

THANK YOU, SIR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION.

Thomas: MR. PRESIDENT.

Alvarez: GO AHEAD, MAYOR PRO TEM.

Thomas: GO AHEAD

Alvarez: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMORIAL HAVE ALVAREZ. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0. THANK YOU ALL VERY MUCH.

THAT'S ALL THE BUSINESS WE HAVE BEFORE THE BOARD.

Mayor Wynn: NOW WE WILL ADJOURN THIS MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE

CORPORATION AND CALL BACK TO ORDER THE MEETING OF THE AUSTIN COUNCIL AND GO BACK TO OUR 2:00 BRIEFINGS. WE'LL TAKE THEM IN ORDER. ITEM 52 IS A PRESENTATION FROM DOWNTOWN WORKS, A DIVISION OF ECONOMICS RESEARCH ASSOCIATES ON THE IMPLEMENTATION OF THE DOWNTOWN RETAIL STRATEGY FOCUSING ON CONGRESS AVENUE. WELCOME.

GOOD AFTERNOON, AND AS WE KNOW THAT THE HEALTH OF A CITY AND ITS REGION DEPENDS ON THE HEALTH OF ITS POOR, I HAVE TO APPLAUD THE D.A.A. AND THE CITY OF AUSTIN OF YOUR EFFORT TO MAKE IT HEALTHY AND A WONDERFUL PLACE TO BE AND WE ARE THRILLED TO HAVE THE OPPORTUNITY TO TALK TO YOU TODAY ABOUT THE CONGRESS AVENUE RETAIL STRATEGY AS WE TRY TO IMPROVE CONDITIONS ALONG THIS CORRIDOR IN AUSTIN. TO DO THIS, WE HAVE -- WE DID A QUALITATIVE ASSESSMENT OF THE RETAIL STORES AND BUSINESSES ALONG CONGRESS AVENUE FROM THE LAKE UP TO THE CAPITOL BUILDING. WE EVALUATED SURROUNDING RETAIL AREAS. WE INTERVIEWED MAJOR PROPERTY OWNERS AND STAKEHOLDERS, AND WE ALSO TOOK INTO ACCOUNT THE MAJOR COMPREHENSIVE RETAIL STUDY THAT WAS DONE BY OUR PARENT, E.R.A. WHAT WE FOUND IS THAT YOU HAVE GREAT DEMOGRAPHICS WITHIN 10 MINUTES. YOU HAVE 363,000 RESIDENTS. AND WITH A MILLION, FOUR IN THE SECONDARY MARKET AREA. AND YOU ALSO HAVE 7 MILLION VISITORS A YEAR AS WELL AS THE UNIVERSITY STUDENTS AND A VERY UNDERSERVED 67,000 DOWNTOWN WORKFORCE. AND YOU HAVE -- ALSO HAVE A VERY HEALTHY AVERAGE INCOME, WHICH IN '03 WAS 82,000, AND BY '08 WILL BE OVER 100,000. WHAT WE FOUND IN THE E.R.A. STUDY WAS THAT THE CITY COULD SUPPORT AN ADDITIONAL 650,000 TO 900,000 SQUARE FEET OF RETAIL WITH AN EXISTING BASE OF AROUND 300,000 SQUARE FEET. WHEN WE GO INTO TAKING A LOOK AT WHAT NEEDS TO BE DONE WITH RETAIL, WE NOT ONLY LOOK AT THE NUMBERS, THE DEMOGRAPHICS AND INCOME, BUT WE REALLY LOOK HOPEFUL INTO THE TYPE OF GRAPHIC PROFILES OF THE BASE. AND WE FOUND CERTAIN CHARACTERISTICS AMONGST THE LARGE GROUPS HERE IN AUSTIN, BUT THE LARGEST GROUPS WERE YOUR METRO RENTERS, AND YOU CAN TAKE A LOOK AT THE VARIOUS

ASPECTS OF WHAT A METRO RENTER WOULD BE. AND AS WE GO INTO THE NEXT GROUP, WHICH IS THE YOUNG AND RESTLESS, THESE TWO GROUPS COMBINE ABOUT 30% OF THE PROFILE OF THE PRIMARY TRADE AREA. YOU WILL FIND THESE ARE PEOPLE WHO ARE RELATIVELY YOUNG, BUSY LIFESTYLES, THEY ARE STARTING CAREERS AND THEY ARE VERY INTO AN ACTIVE LIFESTYLE, ENTERTAINMENT, GYMS AND ORGANIC FOODS. AS WE GO INTO AN OLDER DEMOGRAPHIC, AS WE GET INTO THE GENERATION XERS AND RETIREES AND FINALLY UP INTO THE CONNOISSEURS WHO REPRESENT ABOUT 7% OF THE MARKET, THIS IS AN OLDER GROUP, YOUR EMPTY NESTERS, THEY ARE VERY AFFLUENT, VERY CONSUMER ORIENTED, THEY LOVE TO BUY GADGETS, ESPECIALLY AT WILLIAM SONOMA AND THEY NEVER USE THEM, THEY GO OUT TO DINNER ABOUT EVERY NIGHT. WHAT WE FIND IS THAT YOU HAVE A VERY YOUNG GROUP OF PEOPLE FROM THE EARLY 20s TO EARLY 30s WHO DO NOT HAVE CHILDREN WHO LIVE DOWNTOWN. AND YOU ALSO HAVE WHAT WE WOULD CALL THE EMPTY NESTERS WHO ARE VERY CONSUMER ORIENTED AND THEY LIVE DOWNTOWN AS WELL. WE ALSO EVALUATED THE SURROUNDING AREAS, AND WITH A WE FOUND THAT IN THESE AREAS THAT YOU'LL FIND MANY NATIONAL CHAINS. THEY ARE GENERALLY NOT PEDESTRIAN FRIENDLY. IN THE STRIP CENTERS THAT WE FOUND OFTENTIMES IF YOU WANT TO VISIT CONTIGUOUS STRIP CENTERS PEOPLE GET IN THEIR CARS AND DRIVE FROM ONE TO THE NEXT BECAUSE THERE IS NOT A GREAT PEDESTRIAN CONNECTION. AND MANY OF THE STRIP CENTERS YOU HAVE UNIFORM FACADES THAT DON'T HAVE ANY REALLY SPECIFIC CHARMING CHARACTERISTICS. AND THE -- AND THE RETAIL IS REALLY DISPERSED THROUGHOUT SO NOT CONDUCIVE TO WALKING OR HAVING A REALLY PLEASANT SHOPPING EXPERIENCE. CONGRESS AVENUE DOES NOT HAVE THESE CHARACTERISTICS. CONGRESS AVENUE IS NOT INUNDATED BY NATIONAL CHAIN STORES. CERTAINLY WE HAVE A LOT OF BUILDINGS THAT HAVE TERRIFIC CHARACTER AND CHARM. AND YOU ALSO HAVE THE ABILITY FOR PEOPLE TO HAVE A WONDERFUL PEDESTRIAN EXPERIENCE WHICH THEY CHOOSE TO HAVE ONE. WE DID A RETAIL ASSESSMENT IN ADDITION TO TAKING A LOOK AT THESE OTHER ITEMS AND WE EVALUATED 85%. WHAT WE FOUND IS THAT

OVERWHELMINGLY -- WELL, OVER 50% OF YOUR BUSINESSES WERE CONSIDERED RETAIL, AND IN THAT WE WOULD INCLUDE RESTAURANTS AND NON-RETAIL USES REPRESENTED ABOUT 30% OF THE DOWNTOWN, AND 14% -- NOT THE DOWNTOWN, EXCUSE ME, CONGRESS AVENUE, AND 14% OF THE STORES ALONG THIS CORRIDOR WERE VACANT. BUT WHAT CAME OUT OF THIS OVERWHELMINGLY IS THAT OF THE 85 PROPERTIES EVALUATED, ONLY 11 OF THEM SELL MERCHANDISE. WOULD BE TRUE RETAILERS. AND AS WE DID OUR ASSESSMENT WE EVALUATED EACH STORE AND THEY COULD BE ANYWHERE FROM 5 TO 20, 20 BEING THE BEST. THE MAJORITY OF THE STORES FELL BETWEEN 11 TO 15. AND ONLY FOUR PROPERTIES WERE WHAT WE WOULD CONSIDER OUTSTANDING AS FAR AS THEIR MERCHANDISING AND THEIR STOREFRONTS, AND OF THOSE FOUR ONE WAS A QUICK SERVICE RESTAURANT, ONE WAS A MUSEUM GALLON REURBGS AND TWO WERE RESTAURANTS. WHAT WE FOUND IS BUILDING CONDITIONS WERE -- WERE SUFFICIENTLY IN GOOD SHAPE, THE STORES WERE SUFFICIENTLY IN GOOD SHAPE. THERE WASN'T A HUGE AMOUNT OF VACANCY, BUT WHAT WE FOUND WAS THE RETAIL BALANCE OR THE MIX OF USES WAS TOTALLY ASKEW. WE FELT THAT WAS PROBABLY THE BIGGEST ISSUE FACING CONGRESS AVENUE. STRENGTH ON THE STREET AGAIN, YOU HAVE A LOT OF HISTORIC BUILDINGS THAT ARE STILL IN GREAT CONDITION AND WE WOULD SAY KEEP -- KEEP ALL OF THOSE. I WISH WE COULD GET MORE OF THEM, BUT IT'S KIND OF TOUGH TO CREATE HISTORIC BUILDINGS. WHAT WE FIND ON SECOND STREET WITH AMLI'S NEW PROJECT IS TERRIFIC. THEY'VE DONE A GREAT JOB OF LEASING STORES THERE. AND AS WELL AS ON THE OTHER SIDE OF SECOND STREET. THAT'S GOING TO BE HELPFUL WHEN WE GO FORWARD RECRUITING RETAILERS. THE SIDEWALKS ARE WIDE. IT CAN CREATE A VERY PLEASANT WALKING ATMOSPHERE. WE HAVE UNIQUE, DISTINCT STOREFRONTS. AND WE HAVE A GROWING TREND OF RESIDENTS COMING INTO THE DOWNTOWN. THIS IS NOT ONLY HAPPENING IN AUSTIN BUT IS HAPPENING THROUGHOUT THE COUNTRY AND THIS IS A TREND THAT WE THINK HAS LEGS AND THOSE LEGS TKPWRO LONGER EVERY DAY AS THE PRICE OF GAS GOES UP. AND YOU HAVE LOTS OF CULTURAL AMENITIES, MENTIONING WHAT WAS

HAPPENING WITH MACC TODAY IS FABULOUS. YOU DON'T FIND THESE TYPES OF AMENITIES NEXT TO SUBURBAN REGIONAL MALLS. BUT THEY ARE IN OUR DOWNTOWN. WEAKNESSES THAT WE FOUND IN CONGRESS AVENUE WERE ONE-WAY STREETS THAT ARE VERY FAST MOVING AND DIFFICULT TO CROSS. AND THEY ARE -- THEY ARE ONE WAY TO MOVE THE TRAFFIC AS QUICKLY AS POSSIBLE, WHICH IS NOT PARTICULARLY GOOD FOR RETAILERS. LARGE PASSING SPACES, A LOT OF BANK SPACES AND SERVICES THAT ARE SERVICE USES WHERE BLINDS ARE CLOSED AND YOU HAVE BLANK FACADES. STREET TREES NEEDED PRUNING. WE UNDERSTAND THAT [INAUDIBLE] ARE PRUNED NOW AND THE PRUNING WILL CONTINUE AND SO WE'LL BE ABLE TO SEE STORE SIGNS AND BE ABLE TO SEE IN THE STORES. AND WHAT WE FOUND ARE JUST NOT ENOUGH RETAIL STORES. THE BUILDING MAINTENANCE WAS OKAY, BUT AS WE GET BETTER RETAIL, BETTER RETAILERS WILL MAINTAIN THEIR STOREFRONTS. WHAT WE DECIDED TO DO WAS CREATE A MERCHANDISING MIX THAT WE THOUGHT WOULD SERVE A MARKET THAT INCLUDED THE OFFICE WORKERS, THE RESIDENTS OF THE AREA AND THE DOWNTOWN, AS WELL AS ALL OF THE VISITORS, WHICH YOU HAVE 7 MILLION EVERY YEAR, AND THE CONVENTIONERS WHO COME TO THE CITY. WE'LL START OUR PROCESS BY RADIATING OUT FROM MAJOR INTERSECTION OF 6th AND CONGRESS. WE ALSO NEED TO FILL THE VACANCIES. THEY WOULD BE A PRIORITY. AND WE WANT TO ENHANCE THE CONNECTION BETWEEN SECOND STREET TO THE CONVENTION CENTER. TO DO THIS, WE'RE GOING TO RECRUIT RETAILERS THAT ARE GOING TO APPEAL TO THIS GROUP OF PEOPLE THAT ARE MOVING INTO THE DOWNTOWN OR THAT ARE WITHIN OUR 10 MILES WHICH IS THE YOUNG, CHIDELESS POPULATION, OR AN OLDER EMPTY NESTER POPULATION. WE NEED STORES THAT APPEAL TO OFFICE WORKERS AND WE NEED -- AND WE NEED STORES FOR OUR VISITERS. WHAT WE AREN'T GOING TO ACTIVELY RECRUIT IN THIS PROGRAM ARE CLUBS AND BARS, RESTAURANTS, OFFICES, BANKS. WE HAVE PLENTY OF THIS IN DOWNTOWN. AS A MATTER OF FACT, YOU HAVE A VERY HEALTHY -- HEALTHY CLIMATE OF RESTAURANTS, AND MANY CITIES WOULD LOVE TO HAVE WHAT YOU HAVE HERE IN DOWNTOWN AUSTIN. WELL, WHEN WE DECIDE WE WANT TO

RECRUIT RETAILERS, WE'RE GOING TO CONCENTRATE TO USES THAT WE THINK WILL HAVE THE HIGHEST DEGREE OF SUCCESS IN DOWNTOWN AND ALSO ARE THE MOST NEEDED WHICH WOULD INCLUDE WOMENS AND MENS APPAREL. AND WE'RE THRILLED ABOUT PEEPERS AND THEY ARE HAVING THEIR GRAND OPENING TONIGHT AND WE THINK THAT'S A GREAT BOON TO DOWNTOWN AND WILL BE HELPFUL TO US AS WE RECRUIT NOR RETAILERS. WE THINK THE BOUTIQUES WHICH HAVE OPENED ON SECOND STREET WHICH ARE APPAREL AND HOME FURNISHINGS WILL ALSO BE ATTRACTIVE OF COURSE. ALL OF THE GROUPS WE PROFILED IN OUR REPORT LIKE ACTIVE LIFESTYLES. AND SO ATHLETICWEAR AND ANY TYPE OF SPORTING GOODS WOULD BE APPROPRIATE FOR DOWNTOWN. AND OF COURSE ACCESSORIES THAT WOULD ENHANCE THE APAPR APPAREL GROUP WOULD BE MORE THAN WELCOME. WE'LL GO AFTER HOME FURNISHINGS, NOT ONLY FOR DOWNTOWN BUT PEOPLE WHO LIVE BEYOND DOWNTOWN. AND WE HAVE SPACES CONDUCIVE BECAUSE OF THEIR SIZE THAT WOULD ACCOMMODATE HOME FURNISHING STORES, ELECTRONICS, EVERY ONE OF THESE GROUPS ARE ELECTRONICALLY SAVVY AND SO WE THINK THAT COMPUTER STORES AND ANYTHING THAT DEALS WITH HIGH-TECH ELECTRONICS WOULD BE GREAT. OTHER STORES YOU WOULD TYPICALLY FIND IN A DOWNTOWN, BOOK STORES, STATIONARY, COSMETICS AND CERTAINLY HAIR SALONS. BUT HOW ARE WE GOING TO GO ABOUT GETTING THESE TYPES OF STORES THAT WE WANT? WHAT WE HAVE TO DO IS TO RECRUIT THEM PROACTIVELY. RETAILERS DON'T JUST COME BECAUSE WE PLANT TREES OR PUT BANNERS ON THE STREETS. THEY COME BECAUSE WE WANT THEM. AND IN ORDER TO DO THIS, WE FELT IT WAS NECESSARY TO HAVE SOMEONE ON STAFF WHO WAS A RETAIL RECRUITER WHO WOULD GO OUT AND PROACTIVELY RECRUIT THESE RETAILERS. AND THE D.A.A. HAS HIRED LINDA AND LYNN LINDA IS HERE IN THE KWRUD KWREPBS TODAY. SHE IS A SMALL BUSINESS OWNER, A FASHION DESIGNER AND MARKETING SPECIALIST AND SHE IS VERY WELL EQUIPPED TO -- FOR THE TASK AT HAND AND I THINK IS VERY EXCITED BY THE CHALLENGE. WHAT WE'RE DOING IS MEETING WITH ALL THE PROPERTY OWNERS. WE'RE MEETING WITH THEM INDIVIDUAL AND FINDING OUT WHAT THEIR WANTS AND

NEEDS ARE AND LETTING THEM KNOW WHAT OUR PROGRAM IS, AND OUR JOB WILL BE TO MARRY PROSPECTS WITH THE APPROPRIATE BUILDING AND SPACE AND OWNER. WE'RE IN THE PROCESS OF FINALIZING A RECRUITMENT MARKETING PIECE. AND WE ARE IN THE PROCESS OF COLLECTING AS MUCH INFORMATION AS WE POSSIBLY CAN ABOUT EACH AND EVERY SPACE AND THEIR LEASE EXPIRATIONS SO THAT WE CANNOT ONLY RECRUIT FOR WHAT IS VACANT TODAY BUT WHAT WILL BECOME AVAILABLE WITHIN THE NEXT YEAR OR TWO. SO WE THINK STRATEGICLY ABOUT THIS. MOST OF THE -- LINDA'S TIME WILL BE SPENT PROSPECTING FOR THE PROPER RETAILERS, FOR GOOD RETAILERS. THESE RETAILERS DON'T NECESSARILY HAVE TO BE EXPENSIVE STORES. WE JUST WANT STORES THAT STAND A VERY GOOD CHANCE OF BEING SUCCESSFUL DOWNTOWN. AND OUR ROLE AT DOWNTOWN WORKS IS WE ARE OVERSEEING THE PROCESS HERE AND THROWING OUR HAT IN WHERE WE'RE NEEDED TO HELP WITH EITHER RETAILERS OR WITH LANDORDS OR TO HELP THE D.A.A. WITH ANYTHING THAT IS RETAIL ORIENTED. RECOMMENDATIONS THAT WE COULD MAKE TO THE CITY AND TO EVERYONE ELSE IS TO ENCOURAGE RESIDENCES ABOVE GROUND FLOOR WHEREVER YOU CAN, IF WE HAVE SMALLER BUILDINGS THAT ARE ALONG CONGRESS AVENUE AND WE HAVE SECOND, THIRD LEVEL, FOURTH LEVELS THAT AREN'T BEING UTILIZED TO THEIR FULLEST EXTENT WOULD BE GREAT TO TURN THEM INTO RESIDENTIAL. WHEN YOU HAVE LIGHTS ABOVE STOREFRONTS, IT MAKES THE STREET FAR MORE ACTIVE. WE'RE VERY INTERESTED IN CREATING INTERESTING WINDOWS WHERE WE NOW HAVE BLINDS AND BLANK SPACES. AND TO THAT END I KNOW THAT THE INTERN AT THE D.A.A. HAS RECENTLY DESIGNED A WINDOW DISPLAY FOR THE NEW INTERNATIONAL HOSPITALITY CENTER AND WILL MAKE THOSE WINDOWS VERY INTERESTING AND VERY EXCITING AND WE WOULD LIKE TO BE ABLE TO DO THAT FOR MANY MORE OF THESE KINDS OF USES. WE'LL LOOK TO LANDORDS TO INCORPORATE IMPORTANT LEASES -- IMPORTANT CLAUSES IN THEIR LEASES THAT WOULD REQUIRE -- REQUIRE THEIR TENANTS TO HAVE THEIR SPACES TRANSPARENT, TO HAVE GOOD WINDOW DESIGN, TO HAVE CONTINUOUS OPERATIONS CLAUSES IN THEIR LEASES. WE'LL CONTINUE TO TRIM TREES. WE WOULD LOVE

TO SEE GRATES WITH SMALLER HOLES OR TO HAVE THE EXISTING TREE WELLS PLANTED WITH LOW PLANTS THAT ARE NICE AND GREEN AND WILL MAKE THESE AREAS THAT COLLECT TRASH A LITTLE MORE ATTRACTIVE. AND WE ALSO NEED COMPREHENSIVE GUIDELINES ABOUT HOW STOREFRONTS SHOULD LOOK AND SIGNS SHOULD BE MADE AND HOW STORES SHOULD BE MERCHANDISED. I'VE BEEN WORKING IN THIS INDUSTRY FOR A VERY LONG TIME WITH RETAILERS. THE MORE INFORMATION AND GUIDELINES WE CAN GIVE TO RETAILERS, THE HAPPIER THEY ARE BECAUSE THEY KNOW WHAT THEY CAN AND CANNOT DO. AND IT JUST MAKES THE OVERALL RETAIL LOOK MUCH TIGHTER AND MUCH MORE COMPREHENSIVE AND MUCH MORE ATTRACTIVE. IN CONCLUSION, WE THINK THAT WHAT IS REALLY NEEDED HERE ON CONGRESS AVENUE IS, AGAIN, THIS WELL-BALANCED MERCHANDISE MIX. AND 5:00 ACTIVATING THESE WINDOWS IS REALLY, REALLY KEY. AND WHAT WE HAVE HERE IN DOWNTOWN AUSTIN IS A REAL DOWNTOWN AND WITH A LOT OF CHARACTER AND A LOT OF HISTORIC INTEGRITY. WE'VE GOT THE REAL THING. AND IN ORDER TO BE ABLE TO ATTRACT RETAILERS, YOU KNOW, ONE OF THE THINGS THAT WE REALLY NEED TO DO IS TO ENLIST THE HELP OF ALL OF THE BUILDING OWNERS AND THEIR REAL ESTATE REPRESENTATIVES, AND SO FAR WE'VE MET WITH ABOUT 15 DIFFERENT OWNERS IN THE DOWNTOWN, AND WE WILL CONTINUE TO MEET WITH MORE TO WORK WITH US. WE ENCOURAGE THEM TO USE INCENTIVES TO GET THEIR TENANTS. MANY OF THEM AREN'T ABLE TO DO THAT. IT MAKES IT DIFFICULT FOR INDIVIDUAL BUILDING OWNERS IN THE DOWNTOWN TO COMPETE WITH THE LARGER DEVELOPMENTS WHERE INCENTIVES ARE GIVEN. SO WE'RE WORKING ON THAT AS WELL. AND WE JUST NEED TO GET OUR QUALIFIED PROSPECTS HERE THAT WE CAN MARRY UP WITH THESE OWNERS AND GET SOME DEALS DONE, AND I WOULD CAUTION US THAT THIS IS A PROGRAM THAT TAKES A LOT OF TIME. AND WE ARE PROBABLY GOING TO NEED TWO OR THREE YEARS OF LEAD TIME BEFORE YOU ARE GOING TO SEE MAJOR DIFFERENCES. WE MAY SEE SOME CHANGES IN THE RELATIVELY NEAR FUTURE, BUT TO SEE THE MAJOR IMPACT, THAT IS GOING TO TAKE A FEW YEARS. SO WE IMPLORE YOU TO BE PATIENT, BUT WE'LL BE SUCCESSFUL. AND THANK YOU. I THINK WE'LL TAKE

QUESTIONS IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: QUESTIONS, COMMENTS, COUNCIL?
COUNCILMEMBER McCracken. CONFERENCE

McCracken: FIRST, COULD WE GET A COPY OF THIS? THIS IS REALLY GOOD.

YES, WE HAVE A COPY.

McCracken: VERY GOOD. ONE OF THE ISSUES THAT WE DISCOVERED THROUGH THE PROCESS, THE COMMERCIAL DESIGN STANDARDS, WAS THAT ONE OF THE BARRIERS WE FACE IN AUSTIN IS THAT ONE OF OUR BIG MALL CHAINS HAS AN EXCLUSIVE WITH MOST OF THE BIG DESIRABLE NATIONAL CHAIN STORES. WHAT DO YOU KNOW ABOUT THAT AND HOW WE CAN WORK AROUND THAT? IT ALMOST SEEMED TO BE SOME KIND OF AN ANTITRUST SITUATION, BUT I'M NOT SURE.

I'M NOT QUITE CERTAIN I UNDERSTAND THE QUESTION.
THERE IS A CHAIN OF STORES?

McCracken: THE BIG MALL CHAIN SIMON, THEY HAVE A LOCK-IN WHERE BANANA REPUBLIC, ET CETERA, GOOD ONLY GO INTO A SIMON FACILITY AND CANNOT GO INTO -- AT LEAST THIS IS WHAT WE WERE INFORMED DURING THE EDUCATION PROCESS, THAT THEY ARE PROHIBITED -- THESE CHAINS ARE PROHIBITED ANYWHERE OTHER THAN A SIMON FACILITY WHICH MEANS THE ARBORETUM, SUBURBAN MALLS, THAT KIND OF STUFF. WHICH WOULD SEEM TO BE A BARRIER TO A LOT OF THE CHAINS WE WOULD BE SEEKING TO BRING DOWNTOWN WITH THE MORE URBAN CLIENTELE COMING DOWNTOWN. WHAT DO YOU KNOW ABOUT THAT?

WELL, SIMON BEING A VERY LARGE DEVELOPER AND VERY DOMINANT IN THIS AREA, YOU KNOW, PROBABLY HAS SOME LEVERAGE OVER TENANTS. THAT CERTAINLY ISN'T WRITTEN ANYWHERE. IT'S STANDARD IN LARGE MALLS AND -- OR LIFESTYLE CENTERS TO HAVE A RADIUS RESTRICTION WITHIN THEIR LEASES. SO GENERALLY THAT RADIUS RESTRICTION IS A FIVE-MILE AREA IN A SUBURBAN MALL. SO MANY OF THESE RETAILERS ARE THE SAME RETAILERS THAT ARE IN SIMON MALLS ARE ON YOU URBAN STREETFRONTS

PROVIDED THEY ARE NOT WITHIN FIVE MILES OF ANOTHER PROPERTY. BUT IN OUR INITIAL PORE RAY INTO THE RETAIL MARKET, WE ARE NOT GOING AFTER THE MAJOR CHAINS. THE MAJOR CHAINS WILL ONLY FOLLOW BETTER RETAILERERS THAT COME INTO THE DOWNTOWN. SO WE'RE GOING AFTER LOCAL, PEOPLE THAT MIGHT BE LOCAL TO AUSTIN OR HOUSTON OR THEY COULD BE REGIONAL OR DALLAS. SO WHILE THERE ARE CERTAIN CHAINS THAT WE WOULD LIKE TO HAVE AND WE KNOW THEY ARE DOWNTOWN -- OR WE KNOW THEY ARE HERE IN AUSTIN LOOKING FOR SPACE, IT'S GOING TO BE VERY DIFFICULT FOR US TO MARKET AGAINST ANY SIMON PROPERTY, AND PROBABLY THE ONLY WAY WE COULD DO THAT WOULD BE WITH MAJOR INCENTIVES. BUT, YOU KNOW, THAT RADIUS RESTRICTION IS STANDARD TO ALL DEVELOPERS, SO I DON'T THINK THERE IS ANY WAY LEGALLY YOU CAN FIGHT A RADIUS RESTRICTION.

McCracken: YEAH, I'VE LIVED IN CITIES WHERE SOME OF THE CHAINS THAT ARE PROHIBITED FROM BEING ANYWHERE OTHER THAN, APPARENTLY, FROM WHAT I UNDERSTAND, THIS PARTICULAR MALL COMPANY, THAT THESE -- THEY WILL HAVE STORES IN OTHER URBAN LOCATIONS. I GUESS MY OBSERVATION ON THAT IS THAT WE PROBABLY NEED MORE OF THE MIX OF THE NATIONAL CHAINS. I CAN'T BELIEVE I'M SAYING THIS, BUT I THINK EMPIRICALLY THE DATA SHOWS YOU NEED A MIX OF LOCAL AND SOME NATIONAL DRAWS. AND WE REALLY ARE LACKING THAT DOWNTOWN.

[INAUDIBLE].

WHAT WE DON'T WANT IS WE DON'T WANT TO CREATE A MALL DOWNTOWN HERE.

McCracken: RIGHT.

WE WANT TO STAND OUT. WE WANT TO BE DIFFERENT FROM WHERE PEOPLE CAN SHOP NEXT TO THEIR HOME. LET'S GIVE THEM A DIFFERENT REASON FOR BEING IN DOWNTOWN AUSTIN. YOU ALREADY HAVE THAT WITH YOUR 75 RESTAURANTS DOWN HERE. MALLS CAN'T COMPETE WITH THAT. YOU ALREADY HAVE THAT WITH YOUR CULTURE THAT'S HERE NOW AND YOU'RE EXPANDING. SO THAT ACTS AS A GREAT ANCHOR. LET'S GIVE THEM RETAIL STORES

THEY AREN'T GOING TO FIND FIVE MINUTES FROM HOME.
THAT'S ANOTHER REASON TO BRING THEM DOWN HERE.

McCracken: I GUESS I JUST URGE THAT IN LOOKING AT THE STRATEGIES OF OTHER SUCCESSFUL DOWNTOWNS, THEY DO NEED A MIX.

YEAH.

McCracken: AND I AGREE WITH YOU IT IS CRITICALLY IMPORTANT THAT WE NOT JUST -- I MEAN THAT WE HAVE A STRONG LOCAL CHARACTER AND THIS IS A SPOT THAT HAS STRONG LOCAL IDENTITY. BUT, YOU KNOW, I THINK WE'RE SEEING ON SECOND STREET RIGHT NOW THERE'S NOT REALLY A FAMILIAR DRAW THAT HELPS OUR LOCAL MERCHANTS WHO HAVE SOME GREAT STORES DOWN THERE AND THAT IT WOULD BE HELPFUL TO HAVE A MIX THERE.

WELL, WE WOULD LOVE TO HAVE A COUPLE OF REALLY WELL-KNOWN BRANDED STORES IN DOWNTOWN SO PEOPLE HAVE SOMETHING THAT'S RECOGNIZABLE. AND I WOULD SAY TO EACH AND EVERY ONE OF YOU I HOPE WHEN YOU DO YOUR HOLIDAY SHOPPING THIS YEAR YOU WILL DO IT DOWNTOWN. IT'S REALLY IMPORTANT FOR US TO HAVE SECOND STREET BE SUCCESSFUL BECAUSE THAT -- IF THAT'S SUCCESSFUL, THAT GETS OUT THERE TO THE RETAIL WORLD AND IT PUTS AUSTIN -- AUSTIN'S DOWNTOWN ON THE RADAR SCREEN. AUSTIN IS ALREADY ON THE RADAR SCREEN, BUT THE DOWNTOWN NEEDS TO BE RIGHT UP THERE AT THE TOP PRIORITY.

McCracken: I GUESS THE QUESTION I HAD WAS, YOU KNOW, WHAT IS THE STRATEGY FOR GETTING THAT MORE DIVERSIFIED MIX OF LOCAL AND NATIONAL? I MEAN ARE YOU --

THAT'S WHERE LINDA COMES IN. LINDA IS OUT THERE RECRUITING. ALREADY SHE HAS MADE 80 COLD CALLS ON RETAILERS THAT WE WOULD LIKE TO HAVE DOWNTOWN. NOW, OUT OF 100 COLD CALLS THAT YOU MAY MAKE ON RETAILERS, PERHAPS TWO OF THEM WILL BECOME REALLY STRONG CANDIDATES AND POTENTIAL DEALS. WHICH IS ONE OF THE REASONS THAT WE BROUGHT LINDA ON BOARD. IF

THAT WERE LEFT TO THE RETAIL BROKERAGE COMMUNITY, WHICH IS AN EXCELLENT GROUP OF PEOPLE, THEY DON'T HAVE THE TIME TO GO OUT AND DO THE PROS SUSPECTING AND THE COLD CALLING BECAUSE THEIR FAMILIES WOULD STARVE, YOU KNOW, IF THEY HAD TO DEPEND ON THAT KIND OF A RATIO. SO THEY ARE GOING TO WORK THE NATIONAL TENANTS AND THEY ARE GOING TO -- AND THEY LOVE TO HAVE LARGE SPACES BECAUSE YOU GET LARGER COMMISSIONS. WE HAVE SOME EXCELLENT BROKERS HERE IN AUSTIN AND WE PLAN ON WORKING VERY CLOSELY WITH THEM, AND THEY'VE ALREADY -- MANY OF THEM THAT WE'VE TALKED TO HAVE CERTAINLY INDICATED THAT THEY ARE VERY HAPPY TO WORK WITH US. BUT LINDA'S JOB WILL BE OUT THERE DOING THAT FORAGING AND GOING OUT AND COLD CALLING AND LOOKING AT PEOPLE THAT WE THINK BELONG DOWN HERE. AND SHE'S GOING TO GO FAR AND WIDE FOR THAT.

LET ME JUST TRY TO -- I THINK YOU'RE BOTH SAYING THE SAME THING AT SOME LEVELS. BUT FROM A NATIONAL STANDPOINT, WE HAD A NATIONAL RETAILER, JUST TO GIVE YOU AN IDEA, YOU KNOW, WE HAD A NATIONAL RETAILER COME LOOK AT A PRIME PROPERTY IN DOWNTOWN TWO WEEKS AGO, THREE WEEKS AGO. AND WHAT WE'RE COMPETING WITH ON THAT IS THE CO-TENANCY ISSUES. WHO IS NEXT TO THEM. WHEN WE TAKE IT BACK TO THEIR REAL ESTATE COMMITTEE, THEY WANT TO BE NEXT TO NATIONAL TENANTS. WITHOUT THAT IT MAKES IT SOMEWHAT DIFFICULT AT THIS PRELIMINARY STAGE. HAVE YOU SOME DEVELOPERS THAT ARE GOING TO PROVIDE INCENTIVES, PRETTY SUBSTANTIAL INCENTIVES. SO WE'RE COMPETING WITH TWO AREAS, WHICH I PRESUME YOU CAN PROBABLY GUESS WHICH ONES THEY ARE, AND WE DON'T HAVE THAT PACKAGE TO PROVIDE THEM. SO UNLESS WE HAVE THE CO-TENANCY AND QUALITY, INDEPENDENT AND REGIONAL RETAILERS ALREADY SHOWING GOOD SALES SIGNS, IT'S A BIG HURDLE FOR A NATIONAL TENANT TO IMMEDIATELY COME IN. BUT IT IS PART OF OUR ENTIRE OBJECTIVE. IT'S INCREMENTAL, HOWEVER. WE HAVE TO START SOMEWHERE. YOU LOOK AT S.O.C.O. HOW IT STARTED AND GREW. THEY ARE ACHIEVE AGO SALES RATE YOU WILL WARRANT FROM NATIONAL TENANTS. WE WANT TO DO THE SAME ON

CONGRESS. WE HAVE DESIGN AND REACH ON SECOND STREET WHICH IS AMAZING TO HAVE THAT IN AUSTIN. THAT NATIONAL TENANT, NATIONALLY TRADE #D STARTED BY THE PARENT COMPANY OF THE GAP, IT IS GREAT TO HAVE THEM. AS MIDGE SAID WITH THE SUCCESS OF SECOND STREET, WE JUST NEED TO BUILD UPON IT. BUT NATIONAL COMES SECOND OR THIRD.

THE NATIONALS ARE NOT LEADERS. THEY ARE FOLLOWERS. SO WE GET SOMETHING GOING HERE THAT THEY WANT TO FOLLOW, THEN WE CAN CHERRY PICK WHICH NATIONALS WE WANT TO HAVE DOWNTOWN.

McCracken: A SECOND QUESTION IS THAT -- YET AN OBSERVATION ON STREET TREE GRATES AND SMALLER HOLES, CAN YOU ELABORATE ON THAT?

WELL, WHAT WE FIND, AND THIS IS SOMETHING IN EARLY STREETScape IMPROVEMENTS THAT WERE DONE, THAT THE GRATES THAT WERE PUT IN TO -- TO THE TREE WELLS HAD RATHER LARGE OPENINGS. AND WHEN YOU HAVE LARGE OPENINGS, THEY GATHER TRASH. AND PARTICULARLY CIGARETTE BUTTS THAT YOU WILL FIND DOWN IN THESE HOLES. SO AS YOU GO BY, IT'S RATHER UNSIGHTLY AND IT'S VERY DIFFICULT TO CLEAN THEM OUT. SO NEWER TREATMENTS HAVE GENERALLY BEEN IF YOU DO USE A GRATE, THEY ARE DONE WITH SMALLER HOLES SO THAT TYPE OF DAILY LITTER DOES NOT COLLECT THERE. AND SO IN A CASE HERE, IF YOU WERE GOING TO REPLACE THE GRATES THAT YOU HAVE NOW WHICH HAVE RATHER LARGE OPENINGS, IT WOULD HAVE TO BE WITH SOMETHING THAT IS SMALLER OR IN THE ALTERNATIVE PLANTINGS IN THESE WELLS WOULD ALSO BE ACCEPTABLE, AND MANY TIMES MORE PREFERABLE. IT'S A QUESTION OF MAINTAINING THEM, KEEPING THEM GREEN AND KEEPING THEM CLEAN.

McCracken: YEAH BECAUSE YOU WILL SEE IN SOME CITIES THEY DON'T HAVE GRATES AT ALL AND THAT REQUIRES ONGOING CLEANING WHICH IS I BELIEVE SOMETHING WE'RE DOING AS PART OF IT. ONE THING I'VE SEEN IS A CRITICAL COMPONENT SUCCESSFUL DOWNTOWN PARTICULARLY FOR PEDESTRIAN RETAIL THAERS I DIDN'T SEE HERE IS AN AREA WE'RE REALLY MISSING IN THE CITY IS A GOOD PUBLIC

PLAZA. WE DON'T HAVE ANY GATHERING SPOTS IN DOWNTOWN. EVERYTHING IS EITHER UP THE STREET -- WE HAVE SOME PLAZAS, BUT THEY ARE KIND OF THAT DISCREDIT INTERNATIONAL STYLE MODE WITH NO PUBLIC ACTIVITIES ON THEM AND SO THEY ARE REALLY KIND OF DEAD SPACES. AND I THINK TO THE EXTENT THAT THE D.A.A. OR ALL THE FOLKS ACCESS THIS AREA WORK WITH THE BUILDING OWNERS WHO HAVE PHRAS OZARKS ALL OF WHICH ARE -- PLAZA, ALL OF WHICH ARE DEAD. IF NOT FROM AN URBAN STANDPOINT, NONE OF THEM FUNCTION. THEY ARE ALL DEAD SPOTS.

WE HAVE DISCUSSED THAT WITH SOME OF THE PLAZA OWNERS WHO ARE VERY RELUCTANT TO DO ANYTHING AGAINST WHAT THEIR ARCHITECTS HAD REQUESTED IS THAT THEY LEAVE THESE OPEN AND BE, YOU KNOW, KIND OF AN ICON TO THEIR DESIGN.

McCracken: YEAH, I THINK HOPEFULLY WE CAN REMIND THEM THEY ARE AN ICON TO THE 1970s MODEL.

WELL, YOU KNOW, BUT I WOULD AGREE IT WOULD BE GREAT TO SOFTEN SOME OF THESE PLAZAS AND TO SEE SOME MORE GREEN, AND WE WELCOME THE OPPORTUNITY TO DO THAT.

McCracken: I WOULD SAY GREEN, NO ACTIVITY ON THEM, A LOT OF US WENT TO DENVER ABOUT A WEEK AND A HALF AGO, CHAMBER OF COMMERCE, AND THEY HAVE HANDFUL -- THEY HAVE MULTIPLE GREAT PUBLIC PLAZA, WHICH ARE CUT OUTAREAS OF THE BUILDING WHERE THERE'S STORES OPENING OFF OF THE PLAZA AND PEOPLE CAN SIT OUT THERE AND HAVE MEALS OR WHATEVER. AND THERE'S NOTHING LIKE THAT IN DOWNTOWN AUSTIN. WE HAVE SOME DEAD SPACES OR THE RETAIL IS RIGHT UP TO THE SIDEWALK. IF WE CAN SOMEHOW GET OUR BUILDING OWNERS TO OWN THOSE SPOTS, TO HAVE ACTIVE USE PLAZAS INSTEAD OF THE DEAD ONES, THAT WOULD BE GOOD.

CAN I JUST MAKE ONE COMMENT ON THAT? WHAT IS FIRST AND FOR MOST IS CREATE THE RETAIL STOREFRONT. SECOND STREET, THAT RETAIL FRONT AND WITH 32-FEET

SIDEWALKS, THOSE SIDEWALKS ARE PLAZAS. SECOND STREET IS THIS WONDERFUL MODEL WITH THE STOREFRONT RIGHT UP TO THE STREET. AND USING THE SIDEWALK AND THOSE LARGER SIDEWALKS, THE SIDEWALK CAFES AND ACTIVITY REALLY HELP GENERATE THE FEELING ALONG A WHOLE BLOCK OR SEVERAL BLOCKS AS OPPOSED TO ONE BLOCK OR ONE AREA AS A COMMUNITY GATHERING PLACE. AND THAT'S THE BEAUTY OF LARGE SIDEWALKS, OF CONGRESS AVENUE, OF REALLY ACTIVATING THE STREET AS THE COMMUNITY PLACE. THE FORUM. AND I THINK YOU'VE DONE A LOVELY JOB WITH CITY HALL PLAZA. I WANT TO COMMEND YOU ON THAT AND THE PROGRAMMING YOU'VE RECENTLY DONE. IT'S DIFFICULT TO HAVE A HUGE AMOUNT OF SPACE AND EXPECT IT TO BE ACTIVATED 24/7. DOESN'T TYPICALLY HAPPEN CHEAPLY.

YOU ARE MORE CHARITABLE OF THE PLAZA BECAUSE IT FACES THE SUN.

IT'S HOT.

McCracken: THE TRICK IS THAT SOMETHING AT GROUND LEVEL WITH ACTIVE USES RIGHT OFF THE SIDEWALKS BECAUSE THOSE ARE INDOOR REFUGE. I AGREE WITH YOUR ASSESSMENT ON THE WIDE SIDEWALK SIDE OF SECOND STREET THAT AS THESE BECOME MORE PEDESTRIAN ORIENTED, WHICH IS THE GOAL, WE'RE GOING TO NEED TO HAVE A REFUGE AREA WHICH CREATES THAT INTENSITY OF FOLKS ALSO. WHICH IS SOMETHING THAT'S MISSING FROM THE FABRIC OF OUR DOWNTOWN AT THE MOMENT. IT WOULD BE A BIG ELEMENT IN HAVING IT BE SUCCESSFUL.

THE USES THAT REALLY LIKE PLAZA SPACE WOULD BE RESTAURANTS WHERE THEY CAN HAVE PEOPLE SITTING OUT IN TABLES AND CHAIRS. RETAILERS AS A WHOLE DO NOT LIKE BEING [INAUDIBLE]. I THINK THAT BE MINDFUL OF THAT WHEN AND IF WE CREATE MORE OF THESE.

McCracken: IN GENERAL, OVERALL, THIS IS VERY HELPFUL. I THINK YOU'VE IDENTIFIED -- WE HAVE ONE OF THE BEST DOWNTOWNS I'VE EVER BEEN IN PARTICULARLY FOR A SUN BELT CITY. WE'RE EXTRAORDINARILY BLESSED WITH A GREAT DOWNTOWN. YOU'VE IDENTIFIED A VERY SIMPLE WAY

WE CAN DO BETTER WHICH WE SHOULD. AND WE'RE BUILDING ON STRENGTHS SO THANKS A LOT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

Thomas: IF YOU DON'T MIND, I KNOW THAT YOU HAVE A GREAT RECRUITER, MS. LINDA. IN YOUR COLD CALL, CAN YOU EXPLAIN HOW HAVE YOU -- WHAT KIND OF RESPONSES HAVE YOU RECEIVED SINCE YOU STARTED YOUR PROJECT?

WHILE IT'S BEEN A LOT OF FUN, I'VE GOTTEN A LOT OF SHOPPING DONE IN THE LAST THREE MONTHS GOING TO ALL THE RETAILERS. I GUESS I LIKEN IT TO A STATISTICAL BELL CURVE WHERE YOU HAVE A FEW PEOPLE WHO ARE BELOW HANGING [INAUDIBLE] AND A MAJORITY OF THE PEOPLE ARE -- SOUNDS INTERESTING AND THEN THERE'S REAL NAYSAYERS WHO SAY I WOULD NEVER GO TO DOWNTOWN. ALL OF IT IS REALLY GOOD LEARNING BECAUSE I'M BEING PROACTIVE AND SPECIFICALLY GOING AFTER CERTAIN CATEGORIES OF RETAILERS, AND I'VE IDENTIFIED ABOUT FIVE OR SIX REALLY GOOD QUALITY, WELL ESTABLISHED RETAILERS THAT ARE VERY INTERESTED IN COMING TO DOWNTOWN. SO I'M AT THE POINT WHERE I'M STARTING TO SHOW THEM PROPERTIES AND INTRODUCE THEM TO SOME OF THE REAL ESTATE BROKERS AND DEVELOPERS AND PROPERTY OWNERS DOWNTOWN. SO ALL OF THAT HAS BEEN GOOD. AND THEN WE HAVE BEEN BUILDING A COMPREHENSIVE PROSPECT DATABASE. IT'S ADMINISTERED THROUGH THE WEB AND IT'S UPDATED INSTANTANEOUSLY. BUT BUILDING A LIST OF ALL OF THE RETAILERS, RANKING THE STORES, WHAT SIZE SQUARE FOOTAGE THEY WOULD NEED, WHEN THEY MIGHT BE ABLE TO MAKE A MOVE, AND DOCUMENTING ALL OF THAT SO THAT AS WE KNOW PROPERTIES ARE GOING TO BE COMING UP THE NEXT ONE TO TWO TO THREE YEARS, WE MATCH THEM UP.

Thomas: HAS IT BEEN MOSTLY ON LOCAL OR STATEWIDE AND NATIONAL-WIDE. I KNOW THAT'S A LOT-AOE.

IT'S MOSTLY BEEN LOCAL. I THINK WHAT I'VE LEARNED THROUGH YOUR DOWN WORKS AND TALKING WITH A LOT OF THE REAL ESTATE BROKERS WHO REPRESENT NATIONAL IS

THAT SHE'S RIGHT, THEY AREN'T FIRST MOVERS AND THEY KIND OF WAIT FOR MORE CRITICAL MASS. AND SO GOING AROUND THE AUSTIN AREA AS WELL AS SAN ANTONIO, I'M PLANNING TO GO TO DALLAS AND HOUSTON AS WELL AND POSSIBLY EVEN OTHER AREAS IN THE REGION LIKE ATLANTA.

Thomas: OKAY. THANK YOU. MAYOR, ONE MORE QUESTION. I KNOW THAT WE ARE TALKING ABOUT CONGRESS AVENUE AND HOW WE WANT TO DO THE RETAIL, WHAT ARE IN THE NEAR FUTURE, BECAUSE THERE ARE SOME SPACES DOWNTOWN THAT ARE VACANT, THERE'S -- THAT COULD BE CHANGED FROM PARKING LOTS TO BUSINESSES. HOW ARE WE DEALING WITH THOSE AREAS, LIKE MOSTLY CLOSE TO SECOND AND CONGRESS GAG BACK NORTH? ON BOTH SIDES OF THE STREET YOU HAVE THEM.

IN THE RETAIL STRATEGY, IT IDENTIFIED THE PRIORITY AREAS. WE DID -- WITH THE CITY AS A PARTNER, WE IDENTIFIED A LARGE AREA OF DOWNTOWN THAT WE SURVEYED AND DID AN INVENTORY OF IN THE PRIORITY FIRST AND FOREMOST BECAUSE IT'S REALLY THE SPINE WEST ON CONGRESS AVENUE. WHEN YOU LOOK AT SECOND STREET AND THE CONNECTION TO CONGRESS AVENUE, THAT WOULD BE OF FIRST PRIORITY. WHEN WE LOOK AT DEVELOPMENT ON THOSE TWO BLOCKS BOTH EAST AND WEST ON SECOND AND CONGRESS AS THOSE THINGS COME TO FRUITION AT SOME POINT IN TIME, WE WOULD CERTAINLY LIKE TO SEE FIRST FLOOR RETAIL AS PART OF THAT. AND LARGE RETAIL. BECAUSE THERE'S WHERE YOU HAVE THE FOOTPRINT TO GET THE LARGER NATIONAL TENANTS TO ANCHOR THOSE AREAS. EAST SIXTH STREET IS A PRIORITY. IT WILL BE LATER ON. WE'RE LOOKING AT KIND OF EAST AND WEST SIXTH AND FIFTH, HOW DO YOU MAKE THOSE CONNECTIONS BETWEEN WHOLE FOODS AND OTHER AREAS OF TOWN. BUT RIGHT NOW THE CONTRACT WE HAVE COLLECTIVELY WITH E.R.A., WHICH IS THROUGH THE END OF THE YEAR, IS CONGRESS AVENUE. THAT'S WHERE OUR FIRST FOCUS IS. THE D.A.A. RECOGNIZES THAT THIS IS NOT SOMETHING WE'RE GOING TO DO IN TWO OR THREE YEARS, BUT THIS IS A LONG-TERM EFFORT THAT WILL BE A PART OF OUR ORGANIZATION HOPEFULLY IN PARTNERSHIP WITH YOU

ALL AS WELL.

Thomas: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I JUST WANT TO COMMEND YOU FOR DOING THIS STUDY BECAUSE I THINK THIS IS ONE WAY THAT THE PUBLIC SECTOR CAN REALLY HELP THE PRIVATE SECTOR IS GETTING OUT THIS INFORMATION SO THEY DON'T HAVE TO DO THEIR OWN INDEPENDENT STUDIES WHICH IS COSTLY. GETTING THIS INFORMATION OUT THERE ALLOWS THEM TO KNOW WHAT IS THE MARKET OPPORTUNITY, WHAT SPECIFICALLY CAN THEY DO TO MARKET IN AUSTIN, WHO ARE THEIR POTENTIAL CUSTOMERS SO I THINK THIS IS GREAT. I WANTED TO ASK YOU WHAT ROLE, IF ANY, YOU HAD FOR GROCERY STORES OR FOOD STORES BECAUSE AS DOWNTOWN IS A PLACE FOR PEOPLE TO WORK, IT'S ALSO A PLACE FOR PEOPLE TO LIVE AND WE'RE TRYING TO ENCOURAGE MORE OF THAT WHERE WE DO HAVE GROCERY STORES, EVEN SMALL ONES, NOT THE BIG BOXES, WE'VE GOT PLENTY OF THOSE OUT IN THE OUTLYING AREAS, BUT NEIGHBORHOOD GROCERY STORES SO PEOPLE CAN GO IN AND GRAB A CARTON OF APPLICATOR LOAF OF BREAD?

IT'S INTERESTING THAT YOU SAY THAT BECAUSE I'M ALSO A DOWNTOWN RESIDENT. I LIVE AT THE AMLI. AND I'M GOING TO BE TAKING A RETAIL SPACE AT THIRD AND CONGRESS. SO I'M VERY ATTUNED TO NEEDS OF DOWNTOWN RESIDENTS AND WANTING THAT LOCAL GROCERY STORE AS WELL AS GOURMET PREPARED FOODS AND TAKE-OUT. SO YEAH, IT'S DEFINITELY HIGH ON MY LIST. THE NEW FARM TO MARKET GROCERY IS THE IDEAL MODEL AND I WAS TALKING TO STAFF AND THEY SAID THEY'VE HAD A NUMBER OF REQUESTS FROM DOWNTOWN RESIDENTS TO PLEASE OPEN UP. WHOLE FOODS IS WONDERFUL, BUT IT'S THE BURBS.

Kim: WHEN ONE IS WALKING, YES, ESPECIALLY WHEN IT'S OVER 100 degrees OUTSIDE. I ALSO WAS LOOKING AT SOME OF THE PHOTOS IN THE PRESENTATION AND IT KIND OF HIT ME THERE WERE ALL THESE NEWSPAPER KIOSKS AND APARTMENT GUIDE KIOSKS IN THREE OF THESE PHOTOS. CAN YOU TELL ME ABOUT THESE KIOSK? HOW DO THEY GET

THERE, WHO TERMS WHAT THEY LOOK LIKE. I MEAN THEY ARE GREEN, BUT THERE ARE JUST A LOT OF THEM.

THERE ARE. THE CITY ACTUALLY I BELIEVE LICENSES -- WELL, IT'S ACTUALLY -- WE HAVE A STAFF MEMBER WHO IS WORKING ON THIS ISSUE TO TRY TO FIGURE OUT IF WE CAN DO SOMETHING SIMILAR TO WHAT THE AUSTIN AIRPORT HAS DONE WHERE THE CITY CONTRACTS WITH THE STATES MAN TO MANAGE THOSE TO CREATE KIND OF WHAT WE CALL CONDO UNITS FOR THE NEWSPAPER. DOWN DENVER DOES IT, BOULDER DOES IT. MANY CITIES ACROSS THE COUNTRY. IT'S HEART TO LEGISLATE THAT ISSUE FIRST IT'S A FIRST AMENDMENT RIGHT WHEN IT COMES TO PRINTED PRESS. YOU ALL HAVE DONE IT SUCCESSFULLY AT THE AIRPORT AND WE HOPE THAT MODEL COMES TO DOWNTOWN. IN SOME CASES WHILE THERE ARE ORDINANCES THAT ONLY -- YOU CAN ONLY HAVE SO MANY OF THOSE PER BLOCK, SOMETIMES WE'LL END UP WITH 20 ON ONE BLOCK, WHICH IS AN IMPEDIMENT TO PEDESTRIANS AND TO OTHER ACCESS. SO WE HAVE BEEN IN DISCUSSION WITH THE CITY, THAT'S GARY'S DEPARTMENT, AND OF COURSE OUR STREETSCAPES COMMITTEE TO TRY TO ADDRESS THAT. IT'S A REAL ISSUE.

Kim: I AGREE IT IS AND I'M GLAD YOU ARE WORKING ON IT. BECAUSE IF WE WANT TO HAVE SIDEWALK CAFES, THE LAST THING THEY WANT TO PUT IS LIKE 20 KIOSKS RIGHT THERE. SO I'M GLAD WE'RE WORKING ON IT. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU ALL FOR A GOOD REPORT. GOOD LUCK. COUNCIL THAT IS CORRECT TAKES US TO OUR LAST BRIEFING, WHICH IS A PRESENTATION ON THE PROPOSED STAFF -- STAFF PROPOSED AMENDMENTS TO THE CITY'S PUBLIC CORRIDOR ORDINANCES, AS WE CALL THEM, INCLUDING A SCHEDULE FOR FUTURE PUBLIC INPUT, HEARINGS AND COUNCIL VOTES. WELCOME ASSISTANT CITY MANAGER RUDY GARZA.

GOOD AFTERNOON, MAYOR AND COUNCIL, RUDY GARZA, ASSISTANT CITY MANAGER. TODAY WE'RE GOING TO BE BRIEFING YOU ON SOME OF THE RECOMMENDED CHANGES THAT WE HAVE ON OUR PUBLIC CORRIDOR ORDINANCES. I WOULD LIKE TO START OFF WITH AAN OVERVIEW OF WHERE WE STAND OVER THE LAST FEW MONTHS. IF YOU RECALL

LAST SUMMER WE DID COMPLETE A SURVEY TO ADDRESS -- TO LOOK FURTHER INTO THESE ISSUES ON A NATIONWIDE BASIS. WE LOOKED AT APPROXIMATELY 38 CITIES INCLUDING ALL THE MAJOR TEXAS CITIES, SAN ANTONIO, HOUSTON, DALLAS, FORT WORTH. WE LOOKED AT SOME OF THE MAJOR CITIES SUCH AS SEATTLE, LOS ANGELES, PHOENIX. AND WE COMPLETED THAT SURVEY BACK LAST SUMMER. WITH THAT INFORMATION AND WITH SOME OF THE FEEDBACK THAT WE HAD RECEIVED, WE PRESENTED TO COUNCIL IN NOVEMBER OF LAST YEAR SOME POTENTIAL CHANGES TO OUR PUBLIC CORRIDOR ORDINANCES. AT THAT TIME IT WAS AN INFORMATION PURPOSE. WE CONTINUED SINCE THEN TO RESEARCH THE ISSUES, ANALYZE WHAT OTHER CITIES ARE DOING, WHAT THE COURTS ARE DOING, AND AGAIN NOW BASED ON THAT INFORMATION, BASED ON THE INTEREST EXPRESSED BY COUNCIL, WE ARE PREPARED TODAY TO PRESENT SOME PROPOSED CHANGES TO THE PUBLIC ORDER ORDINANCES. THE FIRST ORDINANCE THAT I WANT TO REVIEW WITH YOU IS OUR AGGRESSIVE SOLICITATION ORDINANCE. THE CURRENT ORDINANCE PROHIBITS ON A CITY-WIDE BASIS SOLICITATION WHICH IS INTIMIDATING TO AN INDIVIDUAL. AND THAT'S AGAIN ON A CITY-WIDE BASIS. IN ADDITION IT PROHIBITS ALL TYPES OF SOLICITATION IN AREAS WHERE A PERSON COULD FEEL VULNERABLE SUCH AS NEAR AN ATM, CHECK CASHING LOCATION, BUS STOP. THE RECOMMENDED CHANGE TO THE AGGRESSIVE SOLICITATION ORDINANCE ARE A COUPLE OF CHANGES. ONE IS TO ADD OR EXPAND THE AREA WHERE ALL TYPES OF SOLICITATION IS PROHIBITED TO INCLUDE NEAR A SCHOOL OR CHILD CARE FACILITY, ALSO NEAR AN OUTDOOR CAFE AND RESTAURANT. IN ADDITION TO THAT, WE ARE RECOMMENDING THAT NO SOLICITATION OCCUR IN THE DOWNTOWN DISTRICT BETWEEN 7:00 P.M. AND 7:00 A.M. THE DOWNTOWN DISTRICT AGAIN BEING THE CENTRAL BUSINESS DISTRICT, WHICH WOULD BE BORDERED BY I-35 AND LAMAR, BY DEAN KEATON AND CESAR CHAVEZ. THE NEXT ORDINANCE IS BASICALLY WHAT WE MOSTLY CALL OUR SIDEWALK ORDINANCE. THE SIDEWALK ORDINANCES CURRENTLY IN PLACE FOR THE CENTRAL BUSINESS DISTRICT. THE KEY POINT OF THE CURRENT ORDINANCE REQUIRES THAT AN INDIVIDUAL WHO IS SITTING OR LYING ON A SIDEWALK CREATING OBSTRUCTION TO THE PATHWAY

OF INDIVIDUALS TRYING TO GET THROUGH THE AREA. OUR RECOMMENDED CHANGE TO THAT ORDINANCE, AGAIN REMAINING WITHIN THE CENTRAL BUSINESS DISTRICT DOWNTOWN, IS TWO THINGS. ONE, TO PROHIBIT SLEEPING THIS THE DOWNTOWN AREA. IN ADDITION TO THAT, WE ARE RECOMMENDING TO ELIMINATE THE REQUIREMENT OF OBSTRUCTION ON A SIDEWALK. BASICALLY AT THIS POINT IT WOULD MAKE THE ORDINANCE IN THE DOWNTOWN DISTRICT PROHIBITING SITTING OR LYING ON A SIDEWALK IN THE CENTRAL BUSINESS DISTRICT. NEXT IS OUR ROADSIDE SOLICITATION ORDINANCE. THE KEY POINTS OF THE CURRENT ORDINANCE ARE THAT IT ONLY APPLIES IN THREE MAJOR AREAS OF THE CITY. ONE, THE CENTRAL BUSINESS DISTRICT. THE SECOND AREA, THE NORTH -- NORTH OF THE LAKE NEAR THE CURRENT DAY LABOR SITE, THE FIRST WORKERS AREA. AND THE THIRD LOCATION IS IN THE NEAR EAST AUSTIN BORDERED BY TOWN LAKE AND SECOND STREET, COMAL AND WALLER STREETS. OUR RECOMMENDATION TO THE ROADSIDE SOLICITATION ORDINANCE IS TO MAKE THAT APPLY ON A CITY-WIDE BASIS. TO PROHIBIT ALL TYPES OF ROADSIDE SOLICITATION THROUGHOUT THE ENTIRE CITY. ADDITIONALLY, WE ALSO ARE RECOMMENDING ONE OTHER CHANGE AND THAT'S DEALING WITH PRIVATELY OWNED PARKING LOTS. THE CURRENT ORDINANCE PROHIBITS SOLICITATION IN PRIVATE PARKING LOTS THAT HAVE A SIGN AGE PROHIBITING SOLICITATION. WE ARE RECOMMENDING THAT WE ELIMINATE ALL REGULATION TO PRIVATELY OWN PARKING LOTS AND TURN THAT OVER TO THE PRIVATE PARKING LOT OWNERS FOR THEIR DECISION. AND FINALLY, IT'S THE DOOR TO DOOR SOLICITATION. BASICALLY THE CURRENT ORDINANCE PROHIBITS DOOR TO DOOR SOLICITATION BETWEEN 9:00 P.M. AND 9:00 A.M. FOR CHARITABLE CONTRIBUTIONS. OUR RECOMMENDATION IS TO PROHIBIT ALL DOOR TO DOOR SOLICITATIONS, NOT JUST THE CHARITY TABLE CONTRIBUTION SOLICITATIONS IN THE HOURS BETWEEN 7:00 P.M. AND 9:00 A.M. AND ALSO TO ELIMINATE THE REGULATION ON TELEPHONE SOLICITATIONS, AND THAT'S BASICALLY FROM AN ENFORCEMENT STANDPOINT. THAT'S NOT PRACTICAL FOR US TO TRY TO PROHIBIT THAT BEHAVIOR. THAT'S A QUICK RECAP OF THE RECOMMENDED CHANGES TO OUR PUBLIC ORDER ORDINANCES. WHAT WE WOULD LIKE

TO HEAR TODAY IS SOME DIRECTION. WE HAVE A PROPOSAL ON WHAT SOME NEXT STEPS ARE. AND THAT WOULD BE TO RECEIVE PUBLIC INPUT OVER THE NEXT SEVERAL WEEKS BEGINNING NEXT WEEK ON OCTOBER 27th WITH PUBLIC HEARINGS REGARDING OUR RECOMMENDED CHANGES AND THESE ORDINANCES, AND A SECOND PUBLIC HEARING ON NOVEMBER 17th WITH A POSSIBLE COUNCIL ACTION DATE ON DECEMBER 15th. THAT CONCLUDES OUR PRESENTATION OF THE CHANGES TO THE PUBLIC ORDER ORDINANCES.

Mayor Wynn: THANK YOU, MR. GARZA. COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST FOR CLARIFICATION, I THOUGHT I PICKED UP ON YOUR SLIDE ABOUT SITTING OR LYING ON SIDEWALK. THE RECOMMENDED CHANGE, I THOUGHT YOU ONLY HAD SLEEPING IN THERE, NOTHING ABOUT SITTING. IS THAT CORRECT?

THE RECOMMENDATION AS YOU SEE IT ON THE SLIDE IS TWO THINGS. ONE, TO PROHIBIT SLEEPING IN THE DOWNTOWN DISTRICT. AND ALSO TO ELIMINATE THE OBSTRUCTION REQUIREMENT FOR SOMEONE SITTING ON THE SIDEWALK. SO IT WOULD ACTUALLY BE TWO-FOLD. YOU COULD NOT SIT ON THE SIDEWALK IN THE DOWNTOWN BUSINESS DISTRICT.

Leffingwell: SO THAT'S NOT THE WAY I READ IT, BUT YOU SAY IT IS THE INTENTION -- THE INTENTION IS TO PROHIBIT SLEEPING AND SITTING ON --

THAT'S CORRECT. MAYBE WHAT I SHOULD DO IS CLARIFY. THE CURRENT ORDINANCE PROHIBITS SITTING ON A SIDEWALK IF YOU CREATE AN OBSTRUCTION. WHAT WE ARE RECOMMENDING IS TO ELIMINATE THE REQUIREMENT THAT AN OBSTRUCTION IS CREATED.

Leffingwell: PROHIBIT SLEEPING AND ELIMINATING THE OBSTRUCTION REQUIREMENT OF SITTING.

THAT'S IT.

Leffingwell: OKAY. I GOT IT. THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO AGAIN, SO THE STRUCTURE OF OUR ATTEMPT TO ANALYZE AND POTENTIALLY AMEND THESE ORDINANCES AS OPPOSED TO SORT OF A LARGER STAKEHOLDER PROCESS WHICH IS HOW OFTENTIMES WE CRAFT CERTAIN TYPES OF ORDINANCES, THESE BEING SO SENSITIVE BECAUSE THEY DEAL WITH PEOPLE'S CIVIL LIBERTIES, AND HISTORICALLY THESE TYPE ORDINANCES ARE CHALLENGED IN THE COURTS VERY FREQUENTLY AND OFTENTIMES, YOU KNOW, A WORD OR JUST A COUPLE OF WORDS PROPOSES SIGNIFICANT LEGAL PROBLEMS FROM EITHER DIRECTION. THIS -- THIS PRESENTATION THAT WE JUST HEARD, THESE ARE SIMPLY THE RECOMMENDED CHANGES BASED ON CITY STAFF'S ANALYSIS OVER A PERIOD OF MONTHS NOW OF OTHER CITIES' ATTEMPTS AT SIMILAR ORDINANCES. THAT IS, FRANKLY, WHICH TYPES OF ORDINANCES HAVE WITHSTOOD COURT CHALLENGES, WHICH SEEMED TO NOT HAVE AS MUCH OF A DIRECT IMPACT ON CIVIL LIBERTIES, ET CETERA. HOWEVER, OF COURSE, CITIES DO, CITIES DO LESS, AND SO WITH THIS RECOMMENDATION NOW, WITH YOUR RECOMMENDED SCHEDULE, WE WILL NOW START TAKING SOME PUBLIC INPUT. WE AS INDIVIDUAL COUNCILMEMBERS NOW CAN START TO ABSORB THIS. OBVIOUSLY IT WILL BE MADE VERY PUBLIC NOW. WE WILL HAVE A COUPLE OF PUBLIC HEARINGS OVER THE NEXT MONTH AND THEN LIKELY, YOU KNOW, SHORTLY THEREAFTER, THIS COUNCIL, IF THIS COUNCIL CHOOSES TO, CAN TAKE ACTION TO ADOPT THESE -- ALL OF THESE, SOME OF THESE, PROPOSE AND ADOPT ADDITIONAL CHANGES OR AMENDMENTS THAT FOR DIFFERENT ARENAS STAFF MAY NOT BE HE RECOMMENDING AT THIS TIME.

THAT'S ABSOLUTELY CORRECT.

Mayor Wynn: OKAY. FURTHER COMMENTS, QUESTIONS, COUNCIL? SO WE WILL -- WHAT IS THE PROCESS NOW? WHAT'S THE PROPOSAL FOR STAFF TO GET THIS INFORMATION OUT? OBVIOUSLY WE'VE HAD THIS PRESENTATION, BUT WILL WE PUT THIS ON THE WEBSITE? WILL WE PERHAPS SEND THIS TO ORGANIZATIONS CERTAINLY WITHIN THE GEOGRAPHIC BOUNDARIES OF

SOME OF THE PROPOSALS?

WE CAN DISTRIBUTE THESE TO SOME OF THE GROUPS THAT WE ARE -- SOME OF THE STAKEHOLDERS THAT WE KNOW ARE VERY INTERESTED IN THIS. WE'LL PUT IT UP ON THE WEB. AND, YOU KNOW, BE PREPARED TO ANSWER ANY QUESTIONS THAT COME UP.

WE JUST SAOEFD FEEDBACK, COMMUNITIES ACTION NETWORK, WE'LL INCORPORATE THAT. SOMETHING MIGHT BE TO DO TO PUT SOMETHING ON THE WEB PAGE SITE FOR THIS. WE'LL START PUTTING THE ORDINANCES UP, THE TALKING POINTS YOU'VE SEEN HERE TODAY THAT EXPLAINS THE CHANGES IN EACH ONE. AND THE SCHEDULE AS A STARTING PLACE.

WE'LL PROCEED WITH THE SCHEDULE AS SHOWN ON THE SLIDE.

Mayor Wynn: THANK YOU VERY MUCH, MR. GARZA. COUNCIL, THAT TAKES US 15 MINUTES LATE TO OUR 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. WE'LL GIVE STAFF A MINUTE OR TWO TO PULL ALL THEIR MATERIAL TOGETHER. AND WE'LL WELCOME MS. ALICE GLASGOW.

GOOD AFTERNOON, YOU MORE AND COUNCILMEMBER MEMBERS, ALICE GLASGOW. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS. WE'LL START OFF WITH THE ITEMS WHERE YOU HAVE CLOSED THE PUBLIC HEARING AND WE WILL PROCEED TO THOSE WHERE YOU ARE HEARING THOSE CASES FOR THE FIRST TIME. STARTING OFF WITH ITEM 54, CASE C 14-05-0103, SKWREFR UNIT 101, LOCATED AT 3500 JEFFERSON STREET, AND IT'S IN SUITE 101. THE APPROVAL BEFORE YOU IS FOR SECOND AND THIRD READINGS OF AN ORDINANCE THAT REZONES SUCH PROPERTY FROM CS, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES, TO CS-1-CO, COMMERCIAL LIQUOR SALES, CONDITIONAL OVERLAY. THIS IS READY FOR YOUR APPROVAL. ITEM 55, CASE C1405-0101. ON 1, PART OF THE WEST CONGRESS REZONING AREA FOR TRACT 2 B. THE ADDRESS, 4105 THROUGH 4107 SOUTH FIRST STREET. THE CHANGE IN ZONING IS FROM LIMITED OFFICE, NEIGHBORHOOD PLAN TO

CS-MU-NP, GENERAL COMMERCIAL SERVICES MIXED USE NEIGHBORHOOD PLAN. THIS IS READY FOR APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 56, CASE C1405- C1405-0107.01, THE EAST CONGRESS NEIGHBORHOOD PLAN REZONING FOR TRACT A, FOR YOU TO APPROVAL SECOND AND THIRD READINGS OF AN ORDINANCE THAT REZONES PROPERTY LOCATED AT 700 INDUSTRIAL BOULEVARD, 908 THROUGH 932 EAST ST. ELMO ROAD, AND 4100 THROUGH 4336 SANTIAGO STREET. THE CHANGE IS FROM LIMITED INDUSTRIAL SERVICES, NEIGHBORHOOD PLANNING AND CS-NP TO LI-PDA-NP FOR THE ENTIRE PROPERTY. THIS IS READY FOR YOUR APPROVAL ON SECOND AND THIRD READINGS. ITEM 57, CASE C1405-0024, 1706 AND 1708 WEST 6th STREET. THIS IS A CASE THAT IS BEFORE YOU FOR SECOND READING ONLY. THE NEIGHBORHOOD AND STAFF HAVE WORKED THROUGH THE CONDITIONS THAT YOU IMPOSED ON FIRST READING. WE HAVE REACHED CONSENSUS ON MOST OF THEM. WE WOULD LIKE TO CONTINUE TO REFINE TWO AREAS BETWEEN NOW AND THIRD READING. AND IT'S READY FOR CONSENT APPROVAL ON SECOND READING WITH THE UNDERSTANDING THAT WE'LL CONTINUE TO HAVE A DIALOGUE BETWEEN THE NEIGHBORHOOD AND STAFF AND THE APPLICANT TO RERESPOND TO THOSE TWO ISSUES AND WE'LL BE READY TO COME BACK. THAT CONCLUDES THE PRESENTATION FOR THIS SEGMENT OF THE AGENDA.

Mayor Wynn: SO COUNCIL, THE CONSENT AGENDA FOR THESE ZONING HEARINGS WHERE WE'VE ALREADY CLOSED THE PUBLIC HEARING WILL BE TO APPROVE ON SECOND AND THIRD READINGS ITEMS 54, 55 AND 56, AND TO APPROVE ON SECOND READING ONLY ITEM 57. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER KIM TO APPROVE THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO ZERO. THANK YOU, MS. GLASGOW.

NOW WE CONTINUE WITH OUR CONSENT ITEMS FOR THOSE CASES WHERE -- THAT ARE BEFORE YOU FOR THE FIRST TIME AND THEY ARE AS FOLLOWS: ITEM Z-1 C 14 H-05-0010, THE CHANGE IS FROM SF-3, WHICH STANDS FOR FAMILY

RESIDENCE, AND WE'RE SIMPLY ADDING HISTORIC DESIGNATION. IT'S OWNER INITIATED AND ALL PARTIES AGREE TO ACCEPT HISTORIC DESIGNATION. READY FOR ALL THREE READINGS. ITEM NUMBER Z-2, THIS IS ROBERTSON HILL PROPERTY, AND THE REQUEST HERE IS TO AMEND A RESTRICTIVE COVENANT TO CLARIFY HOUSING AFFORDABILITY THAT WAS AGREED TO IN THE NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR THIS PROPERTY, AND IT'S READY FOR YOUR APPROVAL TO AMEND THAT COVENANT ACCORDINGLY. ITEM Z-3, THIS IS A REQUEST FOR PROPERTY THAT IS LOCATED AT 900 GROVE BOULEVARD. THIS IS A REQUEST TO TERMINATE A RESTRICTIVE COVENANT TO COINCIDE WITH WHAT WAS APPROVED FOR THIS PROPERTY UNDER THE MONTOPOLIS NEIGHBORHOOD PLAN. THIS IS READY TO SIMPLY APPROVE TERMINATION OF THE RESTRICTIVE COVENANT. ITEM NUMBER Z-4 -- I'M SORRY THAT IS CORRECT NUMBER CHANGES. IT'S NPA-05-005.01. THIS IS A REQUEST TO AMEND THE NEIGHBORHOOD PLAN FOR THE MONTOPOLIS AREA TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM SINGLE-FAMILY TO CIVIC. THE PLANNING COMMISSION RECOMMENDS THAT CHANGE AND THIS IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-5 IS RELATED TO Z-4. THIS IS A ZONING CASE. FOR 1907 MONTOPOLIS DRIVE, CHANGE FROM SF-3-NP TO LO-CO-NP, LIMITED OFFICE, CONDITIONAL OVERLAY NEIGHBORHOOD PLAN. THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-6, THE PROPERTY IS LOCATED AT BARTON SKYWAY AND THE UNION PACIFIC RAILROAD T EXISTING ZENING IS SF-3. THE -- I'M SORRY, CS, AND THE APPLICANT IS EXAMINING SF-3. THE COMMISSION RECOMMENDS THE SF-3 AS REQUESTED BY THE APPLICANT AND THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-7, THE PROPERTY IS LOCATED AT 10933 SOUTH IH-35 SERVICE ROAD NORTHBOUND. THE EXISTING ZONING IS INTERIM SF 2. THE APPLICANT IS GOING GR, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE COMMISSION RECOMMENDED THAT ZONING WITH A CONDITIONAL OVERLAY AND THE CASE READY FOR ALL THREE READINGS. ITEM NUMBER Z-8, C 14-05-0094, THE CAR WASH PROPOSED AT RUTHERFORD LANE. THE APPLICANT SENT A REQUEST FOR POSTPONEMENT TODAY AND IS REQUESTING POSTPONEMENT TO NOVEMBER 3rd. THIS IS THE

APPLICANT'S FIRST REQUEST FOR POSTPONEMENT. APPARENTLY HE HAD AN EMERGENCY AND WAS NOT ABLE TO BE HERE TODAY. THAT'S THE REASON IT'S GIVEN FIRST REQUEST. ITEM Z-9 HAS BEEN WITHDRAWN BY THE APPLICANT. NO ACTION IS REQUIRED OF YOU ON THIS ITEM. ITEM Z-10, 11 AND 12 PERTAIN TO THE GREAT SOUTH RIVER NEIGHBORHOOD PLANNING AREA AND THOSE ITEMS WILL BE DISCUSSION. HOWEVER, FOR Z-12, WE HAVE A REQUEST FROM AGENTS WHO WERE JUST ACQUIRED TO REPRESENT THREE PROPERTY OWNERS AND THEY ARE REQUESTING POSTPONEMENT FOR THREE TRACTS AND THEY ARE AS FOLLOWS: TRACT 1, THE APPLICANT WOULD LIKE A POSTPONEMENT TO JANUARY 19th OF 2006, IN ORDER TO STUDY THE CASE AND HAVE A DISCUSSION WITH THE NEIGHBORHOOD REGARDING WHAT HIS CLIENT WOULD LIKE TO PURSUE. TRACT NUMBER 28 AND 29-A, THE APPLICANT IS REQUESTING -- RATHER THE OWNER OF THE PROPERTY IS REQUESTING POSTPONEMENT TO DECEMBER 1ST OF 2005. TRACT NUMBER 35, THE OWNER IS REQUESTING POSTPONEMENT TO DECEMBER 1ST, 2005. THIS IS PART OF THE NEIGHBORHOOD PLAN. I REALIZE THAT WE ARE GOING TO HAVE DISCUSSION AROUND IT, BUT RATHER THAN KEEP SEVERAL PEOPLE HERE, WE THOUGHT WE WOULD OFFER THAT OPTION NOW. THE NEIGHBORHOOD REPRESENTATIVES ARE OPPOSED TO THE POSTPONEMENT AND THEY WOULD LIKE TO SAY A FEW WORDS BEFORE YOU DELIBERATE ON WHETHER TO POSTPONE THOSE THREE TRACTS. MAYOR THAT IS CORRECT CONCLUDES MY PRESENTATION ON THE ITEMS UNDER THIS PART OF THE AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGOW. SO COUNCIL, OUR CONSENT AGENDA THEN ON THESE PUBLIC HEARINGS ZONING CASES, THAT IS, THOSE CASES WHERE WE HAVEN'T HAD THE PUBLIC HEARING YET, THE PROPOSAL WOULD BE TO INCLUDE THIS THE CONSENT AGENDA TO APPROVE ON ALL THREE READINGS CASE Z-1, ON CASE Z-2 APPROVE THE RESTRICTIVE COVENANT AMENDMENT. Z-3, APPROVE THE TERMINATION OF THE RESTRICTIVE COVENANT. TO APPROVE ON FIRST READING ONLY CASES Z-4 AND Z-5. AND ALTHOUGH MS. GLASGOW PROPOSED Z HE 6 FOR CONSENT AGENDA WE HAD A NUMBER OF FOLKS SIGNED UP TO

ADDRESS THAT, I WOULD TAKE THAT OFF THE CONSENT AGENDA. TO APPROVE CASE Z-7 ON ALL THREE READINGS. TO POSTPONE CASE Z-8 TO NOVEMBER 3rd, 2005. AND NOW WE HAVE SOME DISCUSSION ON CASE Z-12, WHICH IS ONE OF THE THREE RELATED CASES. WE HAVE POSTPONEMENT REQUESTS FROM THREE DIFFERENT PARTIES, OWNERS OR OWNERS' REPS. FOR DATES IN DECEMBER AND BEYOND. COUNCILMEMBER DUNKERLEY. WELL, WITHOUT OBJECTION, I'M GOING TO DO THIS. MS. GLASGOW, IF YOU COULD HELP ME IDENTIFY SOMEBODY FROM THE NEIGHBORHOOD WHO MIGHT WANT TO ADDRESS THE ISSUE OF THE POSTPONEMENT REQUEST, THE INDIVIDUAL TRACT POSTPONEMENT REQUEST ON Z-12, NOTING THAT, YOU KNOW, THE TRADITION OF THE COUNCIL CERTAINLY IS TO GRANT POSTPONEMENT REQUESTS ON THE FIRST REQUEST FROM AORT EITHER SIDE OF AN ARGUMENT. BUT LET'S HEAR FROM THE NEIGHBORHOOD BEFORE WE TAKE THAT ACTION. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] TEST TEST TEST

XO COMMUNICATIONS, WE ALSO JUST HEARD ABOUT. THE ONE THAT WE HEARD ABOUT LAST WEEK IS THE TRACT 1, AND I ACTUALLY HAVE A PREPARED STATEMENT THAT I WOULD LIKE TO SAY REGARDING THAT POSTPONEMENT IF YOU WOULD ALLOW ME THE TIME TO DO THAT.

Mayor Wynn: WELL, IT SEEMS TO ME BECAUSE THESE ARE ALL RELATED TO YOU ALL'S COMBINED NEIGHBORHOOD PLAN, WITH ALL DUE RESPECT, I THINK THE NEIGHBORS WHO ARE HERE WHO WANT TO TALK PERHAPS, BUT SPECIFICALLY ABOUT THESE TRACTS THAT HAVE POSTPONEMENT REQUESTS, I MEAN, WE WON'T HAVE A FULL HEARING TONIGHT ON THE NEIGHBORHOOD PLAN, SO THERE WILL BE THE ABILITY FOR EVERYBODY WHO SIGNED UP TO SPEAK TO TALK ABOUT ANY ELEMENT OF THE PLAN THEY WANT, INCLUDING THESE INDIVIDUAL TRACTS, BUT DO NOTE THAT OUR LONG-STANDING TRADITION IS TO GRANT ON FIRST REQUEST ON POSTPONEMENTS. SO IF YOU CAN JUST WAIT AND WHEN WE CALL UP THIS PUBLIC HEARING I THINK THAT YOU WILL FIND THAT THERE WILL BE AMPLE TIME TO -- WE'LL STILL HEAR CASE Z-12, WE'RE JUST ALERTING NOW -- I GUESS IF WE CAN DO THIS, IS TO TAKE ACTION ON THESE INDIVIDUAL TRACT POSTPONEMENTS.

WE'LL STILL HAVE THE HEARING ON Z-12, SO THERE WILL BE AMPLE TIME FOR EVERYBODY TO MAKE THEIR POINTS, EVERYBODY ABOUT THE TRACTS THAT THIS COUNCIL MAY VERY WELL DECIDE TO POSTPONE FOR SOME PERIOD OF TIME.

I'M SORRY, I DON'T UNDERSTAND. IF YOU VOTE TO POSTPONE THESE TRACTS NOW, THEN WHY WOULD YOU WANT TO HEAR ABOUT THOSE TRACTS TODAY?

Mayor Wynn: WE'RE STILL POSTED TO HAVE A PUBLIC HEARING ON '62 12 THAT WE'RE GOING -- Z-12 THAT WE'RE GOING TO HAVE. THESE TRACTS ARE JUST PIECES OF WHAT APPEARS WILL BE A VERY LENGTHY PUBLIC HEARING, IF I HAVE THAT CORRECT, MS. GLASGO. THIS ISN'T A REQUEST TO POSTPONE Z-12, THIS IS A REQUEST BY A COUPLE OF INDIVIDUAL PROPERTY OWNERS IN THIS LARGER CASE IF I READ THIS POSTING CORRECTLY.

BUT WE REALLY ONLY HAVE A FEW CONTESTED CASES. MOST OF THEM WERE PASSED ON CONSENT AT THE LAST COUNCIL MEETING. SO TONIGHT WAS SUPPOSED TO BE THE CONTESTED CASES, AND THERE'S REALLY ONLY A FEW OF THEM. SO PRETTY MUCH EVERYBODY WHO IS HERE IS HERE TO SPEAK ON THOSE CASES.

Mayor Wynn: WELL, I GUESS THEY'LL GET THE BEST OF BOTH WORLDS, THEY'LL GET TO SPEAK TONIGHT BECAUSE WE'LL HAVE A PUBLIC HEARING ON Z-12 AND THEN THESE INDIVIDUAL TRACT OWNERS ARE REQUESTING A POSTPONEMENT, SEVERAL OF THEM FOR DECEMBER, AND WE'LL HAVE A PUBLIC HEARING ON THEIR CASES THEN, IF NOT SOONER. COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST A CLARIFICATION, IS IT IN ORDER FOR PEOPLE TO SPEAK ON THE MERITS OF TRACT 1, 28, 29 AND 35, OR WOULD IT BE APPROPRIATE TO RESTRICT THEIR COMMENTS JUST TO THE POSTPONEMENT, WHETHER OR NOT TO POSTPONE? I THINK IT'S MY UNDERSTANDING THAT IT WOULD ONLY BE IN ORDER TO DISCUSS WHETHER OR NOT TO POSTPONE, REASONS TO POSTPONE OR NOT. I'M ASKING FOR CLARIFICATION.

COUNCILMEMBERS, THE MAYOR'S POINT IS HE'S CORRECT THAT THE ITEM Z-12 COVERS MORE THAN THE THREE TRACTS THAT ARE BEING REQUESTED FOR POSTPONEMENT. THERE ARE TWO OTHER TRACTS THAT YOU'RE GOING TO BE HEARING, BUT COUNCIL IN THE PAST HAS ENTERTAINED PLANNING ERRORS, AND WHILE YOU MAY HAVE AN INTENT TO POSTPONE THOSE ITEMS, THE SPEAKERS THAT ARE HERE CAN CERTAINLY SPEAK TO THOSE ITEMS AS LONG AS YOU CAN -- IF IT'S YOUR DESIRE TO POSTPONE THOSE THREE TRACTS, YOU CAN INDICATE THAT NOW, THAT YOU'RE NOT GOING TO ACT ON THEM TODAY, BUT THE SPEAKERS CAN STILL SPEAK ABOUT THOSE ITEMS, YOU WILL NOT BE ACTING ON THEM TODAY AS YOU WILL BE THE OTHER TWO THAT ARE PART OF THE DISCUSSION. SO IF IT'S YOUR DESIRE TO NOT ACT ON THOSE THREE ITEMS WHERE THE OWNERS HAVE REQUESTED POSTPONEMENT, YOU CAN SAY THAT NOW SO THAT THE AGENTS -- THOSE THAT WANT TO GO HOME CAN DO THAT, BUT THE RESIDENTS WHO ARE HERE TO SPEAK CAN STILL SPEAK ON THE ITEM BECAUSE IT'S A PUBLIC HEARING AND YOU CAN CERTAINLY SPEAK ON THOSE ITEMS, YOU JUST WON'T BE ACTING ON THEM.

Mayor Wynn: THANK YOU, MS. GLASGO. I WAS TRYING TO MAKE THAT POINT EARLIER. SO I SEE THIS IS -- SHE HAD THE CHANCE TO TALK ABOUT THE MERITS OF THE POTENTIAL POSTPONEMENT. JUST ONE, NOTING THAT OUR TRADITION CERTAINLY IS TO ALWAYS GRANT REQUESTS ON THE FIRST POSTPONEMENT REQUEST ON THE FIRST REQUEST, BUT THEN IN THIS CASE THE NEIGHBORS WHO WERE HERE WILL STILL BE ALLOWED TO SPEAK AND IT WOULD BE IN MY OPINION WHOLLY APPROPRIATE SINCE WE'RE TALKING ABOUT CONTESTED TRACTS WITHIN A LARGER NEIGHBORHOOD PLAN THAT NEIGHBORS COULD SPEAK ON THESE INDIVIDUAL TRACTS AS THEY RELATE TO THE NEIGHBORHOOD PLAN, EVEN THOUGH THIS COUNCIL VERY WELL MAY POSTPONE ACTION ON THOSE CONTESTED TRACTS FOR SOME PERIOD OF TIME. COUNCIL, THEN MY RECOMMENDATION WOULD BE THEN TO INCLUDE ON THIS CONSENT AGENDA ON CASE Z-12 TO POSTPONE THE FOLLOWING TRACTS TO THE FOLLOWING DATES. MS. GLASGO, THE REQUEST ON TRACT NUMBER 1 WAS FOR A DATE IN JANUARY. AND MY UNDERSTANDING IS WE AS A

COUNCIL HAVEN'T -- WE HAVEN'T DETERMINED AND POSTED OUR COUNCIL MEETING DATES FOR CALENDAR YEAR '06. WE'RE GOING TO TRY TO DO THAT VERY SOON. SO I NOTED HIS REQUEST WAS FOR A DATE IN '06, BUT WE DON'T HAVE THAT CALENDAR YET.

THAT IS A GOOD POINT. MAYBE THE BEST THING IS TO POSTPONE THAT TRACT ALSO, LIKE THE OTHER TWO, TO DECEMBER FIRST, AND THEN ON DECEMBER FIRST HOPEFULLY WE'LL HAVE AN IDEA ON HOW YOUR CALENDAR WILL LOOK NEXT YEAR AND WE CAN DEAL WITH THAT AT THAT TIME.

Mayor Wynn: SO COUNCIL, MY RECOMMENDATION WOULD BE ON Z-12 WE GRANT THE REQUEST FOR POSTPONEMENT FOR TRACT 1, 28, 29-A AND 35 ALL TO DECEMBER FIRST, 2005. I'LL ENTERTAIN A MOTION ON THAT PROPOSED CONSENT AGENDA.

Alvarez: IT DOESN'T NECESSARILY TAKE A COUPLE OF MONTHS TO COME BACK. IS THAT SOMETHING STAFF SUGGESTED OR IS THERE SOME REASON THAT IT'S NOT COMING BACK IN NOVEMBER, PER SE?

SO THE DATES WERE SUGGESTED BY THE PROPERTY OWNER'S AGENTS, THE JANUARY DATE AND THE DECEMBER DATE, BUT COUNCILMEMBER DUNKERLEY MAKES A GOOD POINT THAT NEXT YEAR YOU HAVE NOT ADOPTED YOUR CALENDAR, WHICH MEETINGS YOU'RE GOING TO HAVE AND WHICH MEETINGS YOU'RE GOING TO CANCEL; THEREFORE, IN DECEMBER YOU HAVE TWO MEETINGS, YOU HAVE DECEMBER FIRST AND DECEMBER 15TH, SO OUR RECOMMENDATION IS TO POSTPONE ALL THREE TRACTS.

Alvarez: YOU'RE THINKING IT COULDN'T COME BACK SOONER? WHY WOULD THERE NEED TO BE SO MUCH TIME BETWEEN THE POSTPONEMENT TODAY AND DECEMBER?

IT'S MY UNDERSTANDING THAT SOME OF THE TRACTS JUST WOULD REQUIRE A LITTLE -- -- THE INFORMATION OF THE REDOING OF THE TRACTS IS GOING TO REQUIRE JUST ADDITIONAL TIME, TWO MONTHS, TO CONSIDER AND

NEGOTIATE.

Alvarez: SO THAT'S WHAT'S -- I MEAN, THERE'S NEGOTIATION BETWEEN THE NEIGHBORHOOD AND THE PROPERTY OWNER OR THE PROPERTY OWNER IS MAKING SUGGESTIONS OR WHAT? WHAT EXACTLY IS THE TIME FOR?

MY UNDERSTANDING IS FOR THEM TO ASSESS -- SO THE NEW AGENTS THEY JUST HIRED TO OBVIOUSLY ASSESS THE RECOMMENDATIONS AND WORK IT THROUGH WITH THE RESIDENTS, TO THE EXTENT POSSIBLE. THAT'S THE REASON FOR THE REQUEST. BUT IT'S UP TO COUNCIL, ENTIRELY UP TO YOU. YOU DON'T HAVE TO GRANT THAT TIME FRAME. YOU CAN SHORTEN IT. IT'S YOUR PREROGATIVE TO ADJUST IT ACCORDINGLY.

Alvarez: I WAS JUST CURIOUS. I DIDN'T HEAR ANYONE SPEAK TO THAT, THE PROPERTY OWNERS OR THE NEIGHBORHOOD IN TERMS OF HOW -- THAT'S THE DATE THAT EVERYONE IS COMFORTABLE WITH COMING BACK TO COUNCIL. I DON'T KNOW IF THE NEIGHBORHOOD WANTS TO SPEAK TO THAT AS A DATE IN TERMS OF HAVING EVERYBODY IN TOWN I GUESS SOMETIMES IS THE ISSUE WE HIT. WE PICK A DATE AND THEN IT ENDS UP NOT BEING GOOD FOR THE NEIGHBORHOOD AND THEN THAT DATE COMES AND THEN WE SAY, WELL, WE NEED TO POSTPONE BECAUSE THAT'S NOT A GOOD DATE FOR THE NEIGHBORHOOD EITHER. SO I DON'T KNOW IF A REPRESENTATIVE OF THE NEIGHBORHOOD CAN SPEAK TO THAT DATE IN TERMS OF HOW IT WOULD WORK FOR THEM.

THEY JUST FOUND OUT JUST BEFORE THIS MEETING, SO THEY MAY NOT HAVE HAD AN OPPORTUNITY TO LOOK AT THEIR CALENDARS AND DETERMINE IF THEY'LL BE ABLE TO HAVE EVERYBODY HERE ON THAT DATE. BUT SHE'S COMING FORWARD. TO SPEAK TO THE DATE ON WHETHER IT WILL WORK FOR THEM OR NOT.

THANK YOU FOR BRINGING THAT UP, COUNCILMEMBER ALVAREZ. ALICE GLASGO IS PERFECTLY CORRECT. WE JUST HEARD ABOUT THIS, SO WE HAVEN'T HAD A CHANCE TO LOOK AT OUR CALENDARS. I WOULDN'T WANT TO SPEAK FOR EVERYBODY. WE HAVE A LOT OF PEOPLE THAT WOULD LIKE

TO SPEAK AT THIS HEARING, SO I REALLY DON'T HAVE ANY WAY TO SAY ANYTHING ABOUT THAT DECEMBER 1 -- DECEMBER FIRST AT THIS POINT SEEMS AS GOOD AS ANY.

Mayor Wynn: AND AGAIN, ANYBODY HERE CAN STILL SPEAK TO THIS CASE THIS EVENING, WE JUST WON'T BE TAKING ACTION ON THREE OF THE CONTESTED TRACTS. COUNCILMEMBER DUNKERLEY.

Dunkerley: [INAUDIBLE - NO MIC]. WE'RE DOING THAT ONE TODAY FOR FIRST READING. BEFORE THE SECOND READING, COULD YOU HAVE THE STAFF LOOK AT SOME ITEMS? WE'VE BEEN GETTING SOME E-MAILS RELATING TO SOME FLOODPLAIN ISSUES, SOME DRAINAGE ISSUES, SOME ACCESS ISSUES, AND I'D LIKE A LITTLE BIT BETTER BRIEFING AND UNDERSTANDING THAN WHAT I HAVE RIGHT NOW ON THAT ITEM. SO IF YOU COULD HAVE THEM DO A LITTLE RESEARCH, I WOULD APPRECIATE IT.

WE CAN DO THAT.

Mayor Wynn: ACTUALLY, COUNCILMEMBER. I TOOK Z-OF OFF THE CONSENT AGENDA BECAUSE WE HAVE A NUMBER OF FOLKS SIGNED UP IN OPPOSITION. Z-6. SO WE WILL HAVE A DISCUSSION.

Dunkerley: I JUST WANTED THE ACTUAL STAFF TO LOOK AT THAT FLOODPLAIN ISSUE.

WE WILL DO THAT.

Dunkerley: OKAY. THANK YOU.

Mayor Wynn: SO AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARINGS OF THOSE CASES THAT WE'LL BE APPROVING ON AT LEAST FIRST READING AND APPROVE THE CONSENT AGENDA AS OUTLINED. COUNCILMEMBER ALVAREZ.

Alvarez: I HAD A QUESTION ON Z-2 TO THE ROBERTSON HILL, THE RESTRICTIVE COVENANT, AND I WAS LOOKING AT THE LANGUAGE, PARTICULARLY IN TERMS OF THE ZIP CODES WHERE HOUSING COULD BE CONSTRUCTED TO MEET THE

AFFORDABILITY REQUIREMENT.

YES.

Alvarez: AND IT REFERENCES TWO ZIP CODES IN THE NEW PARAGRAPH 5 THE WAY IT'S WRITTEN HERE. I THOUGHT THAT'S ALL THERE WAS IN THE ORIGINAL RESTRICTIVE COVENANT WAS TWO ZIP CODES. BUT THAT'S NOT REALLY A CHANGE OR IT IS A CHANGE?

IT'S NOT A CHANGE AT ALL. IT'S REFLECTIVE OF WHAT ORIGINALLY APPROVED.

Alvarez: OKAY. I WAS WONDERING WHY IT WAS UNDERLINED, BUT ALSO I BELIEVE THAT THERE WAS AN INTEREST IN POSSIBLY ADDING ANOTHER ZIP CODE. IT'S A LIMITED AREA AND I DON'T KNOW IF THE APPLICANT WANTED TO ADDRESS THAT ISSUE OR IF THEY'RE FINE MOVING FORWARD THE WAY IT IS. IS THERE A PERSON HERE?

YES, CHRIS CASPER IS COMING FORWARD TO SPEAK TO THAT.

GOOD EVENING. CHRIS CASPER HERE ON BEHALF OF THE APPLICANT.

Alvarez: I WAS WONDERING IF THAT HAD BEEN DISCUSSED.

Mayor Wynn: AGAIN, FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO MS. GLASGO, I HAD PULLED ITEM Z-6 OFF THE CONSENT AGENDA BECAUSE A FEW PEOPLE HAD SIGNED UP EITHER NEUTRAL OR IN OPPOSITION. SO WHY DON'T WE TAKE UP THAT ONE FIRST.

YES, MAYOR. WE WILL PROCEED TO ITEM NUMBER Z-6. IT IS CASE C-14-05-0110. THE PROPERTY IS LOCATED GENERALLY

ALONG BARTON SKYWAY AT THE UNION PACIFIC RAILROAD, AND THE MAP IN FRONT OF YOU SHOWS YOU THE SUBJECT TRACT. IT'S TRIANGULAR IN SHAPE. AND AS YOU CAN SEE, IT'S ADJACENT TO A RAILROAD TRACK. THERE IS CS ZONING TO THE NORTH, SF-3, A SINGLE-FAMILY SUBDIVISION THAT IS ZONED TO THE SOUTH OF THE SUBJECT TRACT. AND MY UNDERSTANDING THAT WHAT THE DEVELOPER WOULD LIKE TO DO IS CHANGE THE ZONING SO THAT THIS PROPERTY CAN BE DEVELOPED JOINTLY WITH THE REMAINING PROPERTY THAT IS TO BE RESIDENTIAL. AND COUNCILMEMBER DUNKERLEY ASKED THAT WE PROVIDE SOME INFORMATION REGARDING WHAT IS OCCURRING WITH THE FLOODPLAIN AND DRAINAGE. WE DO HAVE AN APPLICATION THAT HAS BEEN FILED WITH WATERSHED PROTECTION AND DEVELOPMENT REVIEW THAT LOOKING AT ALL THOSE ASPECTS AND WE CAN CERTAINLY BRING THAT BACK TO YOU LATER ON ONCE WE ASSESS WHAT THE REVIEW OF THAT PROJECT HAS BROUGHT UP SO FAR. WE DON'T HAVE IT BECAUSE IT'S STILL UNDER REVIEW. BUT AGAIN, THE CHANGE IS TO ALLOW FOR RESIDENTIAL DEVELOPMENT TO OCCUR TO -- OR RATHER TO COMBINE THIS PARTICULAR TRACT WITH THE REMAINDER OF THE SITE SO THAT IT CAN BE PLANNED -- PLATTED COHESIVELY WITH THE REMAINDER OF THE RESIDENTIAL DEVELOPMENT. AND STAFF RECOMMENDS THE CHANGE IN ZONING, AND THE COMMISSION RECOMMENDED THE CHANGE TOO. ISSUES THAT MIGHT PERTAIN TO FLOODING OR DRAINAGE WOULD CERTAINLY BE ADDRESSED AT THE TIME OF SUBDIVISION AND/OR SITE PLANNING, DEPENDING ON TYPE OF DEVELOPMENT THAT'S PURSUED. SO TODAY WE'RE JUST LOOKING AT THE APPROPRIATENESS OF THE ZONING AND THEN ALL THE OTHER ISSUES WILL BE ADDRESSED THROUGH THE PERMITTING PROCESS WHERE STAFF DOES A THOROUGH REVIEW AND ANALYSES OF ALL THE OTHER DEVELOPMENT ASPECTS. I WILL PAUSE HERE AND RESPOND TO QUESTIONS AFTER CITIZENS HAVE SPOKEN. THANK YOU, COUNCILMEMBERS.

Mayor Wynn: THANK YOU, MS. GLASGO. AND AGAIN, PERHAPS THE APPLICANT WASN'T PREPARED FOR A PRESENTATION KNOWING THAT I GUESS THE PROPOSAL WAS FOR CONSENT AGENDA, BUT IF THE APPLICANT IS HERE, WE WOULD

NORMALLY HAVE THE FIVE-MINUTE APPLICANT PRESENTATION, SO PLEASE COME FORWARD. THANK YOU. AND MY INSTINCT IS THAT SEVERAL COMMENTS WE'LL HEAR FROM OUR CITIZENS ARE SOMEWHAT NEUTRAL OF NATURE, BUT THEY WANTED TO MAKE SURE THEY WERE HEARD AT A PUBLIC HEARING. SO WELCOME. AND YOU WILL HAVE FIVE MINUTES IF YOU NEED IT.

HI. AND GOOD EVENING. MY NAME IS BOBBY JOE CORNELIUS AND I'M THE OWNER OF SITE SPECIFICS. WE'RE HERE TONIGHT REPRESENTING THE LANDOWNER ON THIS ZONING CASE, WHICH IS APPROXIMATELY 1.59 ACRES. WE HAVE BEEN MEETING WITH THE NEIGHBORHOOD. WE'VE HAD TWO MEETINGS AT THE NEIGHBORHOOD AND HAVE EXPLAINED THE MASTER PLAN TO THE NEIGHBORHOOD AND WITH THE ISSUES THAT HAVE ARISE EN. WE HAVE THE PRELIMINARY PLAN IN PROCESS WITH THE CITY RIGHT NOW, AND IT'S BEING SHOWN ON THE OVERHEAD. WE HAVE 56 SINGLE-FAMILY HOMES ON 14 ACRES AND IT JUST HAPPENED THAT THIS LITTLE SLIVER WAS STILL ZONED CS. SO WHEN THEY TURNED IN THE PRELIMINARY PLAN, STAFF CAME IN AND SAID YOU NEED TO REZONE THAT SLIVER BEFORE YOU CAN DO YOUR FULL DEVELOPMENT. SO THE PRELIMINARY PLAN HAS BEEN PUT ON HOLD, WE'VE ADDRESSED THE STAFF COMMENTS AND ARE WAITING ON THE ZONING CASE AT THIS TIME. THE FLOODPLAIN STUDY WAS DONE AND IT WAS SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. AND I BELIEVE THERE HASN'T BEEN ANY ISSUES. IT ACTUALLY CHANGES THE BOUNDARY OF THE FLOODPLAIN DUE TO THE FACT THAT THEY WENT OUT AND SURVEYED IT AND DID ALL THEIR ENGINEERING STUDIES.

Mayor Wynn: THANK YOU, MS. CORNELIUS. QUESTIONS OF THE APPLICANT, COUNCIL? THANK YOU. SO AT THIS TIME WE'LL HEAR FROM A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US IN THIS CASE. WE NORMALLY WOULD HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE AND THEN REBUTTAL. SARAH STRATTON HAD SIGNED UP TO SPEAK IF WE HAD QUESTIONS. LORRAINE ADDERTON SIGNED UP IN OPPOSITION, BUT NOT WISHING TO SPEAK. CATHERINE CALSEO. WELCOME BACK. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY IT LOOKS LIKE CHRISTIAN FRAGE.

SORRY IF I'M MISPRONOUNCING THAT.

HELLO? HI, COUNCIL. I'M CATHERINE, REPRESENTING THE NEIGHBORHOOD AND ALSO THE SOUTH LAMAR NEIGHBORHOOD BECAUSE A LOT OF PEOPLE COULDN'T BE HERE TODAY BECAUSE THEY'RE PREPARING FOR THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION MEETING LATER TODAY. WE'RE NOT SIGNED UP AS OPPOSED BECAUSE IT'S A DOWN ZONING AND THEORETICALLY A NEIGHBORHOOD WOULDN'T BE OPPOSED TO THAT. WE ARE OPPOSED TO CONTINUING A PROCESS THAT WOULD ALLOW THEM TO GET THE SUBDIVISION PLAN APPROVED WHEN THE FLOODPLAIN THAT THEY BASE IT ON WE BELIEVE TO BE INCORRECT. AND THIS SHOWS THE EXISTING FLOODPLAIN IN PINK AND THE PROPOSED FLOODPLAIN IN THE BLUE LINES. EVERYTHING THAT WE'VE BEEN HEARING FROM THE NEIGHBORS THAT LIVE AROUND THIS AREA ON THE OTHER SIDE WHO ACTUALLY CAME OVER AND LOOKED AT THIS SITE, AND THERE'S SOMEONE HERE TO SPEAK TO THAT, AND ALSO PEOPLE WHO LIVE RIGHT HERE AS WELL SAY THAT THIS IS NOT WHAT'S BEEN OBSERVED. I GUESS MAYBE IF IT WOULD BE POSSIBLE TO ASK FOR A POSTPONEMENT ON THIS ISSUE UNTIL THE FLOODPLAIN -- THE CITY FLOODPLAIN AND COUNTY FLOODPLAIN REDRAWING IS FINISHED, WHICH WOULD BE AT THE END OF JANUARY, I BELIEVE, OR FEBRUARY, SOMETHING LIKE THAT. THERE ARE QUITE A FEW PEOPLE WHO HAVE OBSERVED FLOODPLAIN UP IN HERE AND AS WELL AND SOME OF THESE OTHER AREAS, ESPECIALLY RIGHT IN HERE. THERE'S A WOMAN -- I HAVE A LETTER HERE FROM HER -- AND SHE SAYS THAT SHE HAS OBSERVED FLOODING UP INTO THE AREA WHERE THE BRIDGE IS GOING TO BE PLACED. AND THESE ARE SOME PHOTOS THAT SHE SENT, ALTHOUGH I DON'T KNOW HOW WELL YOU'RE GOING TO BE ABLE TO SEE THESE. SO THIS SITE KIND OF IS A BIG -- THIS WHOLE SITE AS A WHOLE, OF WHICH THIS PARCEL IS GOING TO BE REZONED, IS A BIG CONCERN TO EVERYONE. THESE PICTURES WERE TAKEN FROM THIS HOUSE RIGHT HERE. 3102 BIRDWOOD CIRCLE, WHICH WOULD BE LOT 17. SO I DON'T KNOW WHAT COUNCIL WOULD AGREE TO OR NOT AGREE TO, BUT THE NEIGHBORHOODS WOULD APPRECIATE A POSTPONEMENT UNTIL THE END OF JANUARY OR FEBRUARY WHEN THE NEW

FLOODPLAIN HAS BEEN APPROVED BY FEMA.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? AFTER WE GO THROUGH THE SPEAKERS, I'LL ASK FOR SOME QUESTIONS OF STAFF AND WE'LL UNDERSTAND THE TIMING OF THE FLOODPLAIN STUDIES AND OTHERS. THANK YOU. IT LOOKS LIKE CHRISTIAN KRAGE. HOW CLOSE WAS THAT? WELCOME. YOU WILL HAVE THREE MINUTES.

HI. THANK YOU VERY MUCH. IN CHRISTIAN (INDISCERNIBLE). I LIVE IN THE SOUTH LAMAR NEIGHBORHOOD JUST ACROSS THE RAILROAD TRACTS JUST ACROSS FROM THIS PROPOSED PARCEL OF LAND AND I HAVE CONCERNS ABOUT THE FLOODPLAIN ISSUES IN THIS TRACT THAT IS TO BE DEVELOPED. I HAVE OBSERVED SIGNIFICANT FLOODING IN THE AREA WHERE THE -- WHERE IF THE REVISED FLOODPLAIN WERE TO BE ADOPTED WOULD BE REMOVED FROM THE FLOODPLAIN, I DO TEND TO SEE THAT FLOODED. MY NEIGHBORS ON THE OTHER SIDE OF THE RAILROAD TRACK RIGHT UP AGAINST THIS PARCEL OF LAND DO ALSO FLOOD ON A REGULAR BASIS, AND THE NEIGHBORS AND I ARE FAIRLY CONCERNED ABOUT FLOODING IN THIS AREA. THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP ON THIS CASE. I'M NOT SURE IF MS. CORNELIUS, PERHAPS IF YOU COULD COME BACK AND... THERE WOULD NORMALLY BE REBUTTAL, ALTHOUGH THE COMMENTS WE'RE HEARING ARE ABOUT THE FLOODPLAIN. WHAT CAN YOU TELL US ABOUT THE FLOODPLAIN MODEL, THE TIMING OF ANY STUDIES THAT YOU'RE AWARE OF?

WELL, FIRST OFF, THIS 1.5 ACRES IS NOT IN THE FLOODPLAIN THAT WE'RE HERE TONIGHT TO ZONE. THE MODEL THAT'S DONE BY ENGINEERS AND ALL THE SURVEY WORK THAT'S BEEN DONE AND SUBMITTED TO THE CITY, AND THAT'S ALREADY GONE TO FEMA FOR A MAP REVIG. SO THAT MAP REVISION IS BASED ON THE STUDY THAT OUR ENGINEERS PROVIDED. AND THE PRELIMINARY PLAN IS BASED ON THAT SAME STUDY, SO I DON'T SEE HOW HOLDING THIS ZONING CASE UP WOULD DO ANYTHING AS FAR AS AMENDING THE FLOODPLAIN BECAUSE THE PEOPLE THAT ARE HAVING TROUBLE IN THEIR BACKYARDS THAT ARE UP AGAINST THE

RAILROAD TRACKS ARE ON THE UPSTREAM SIDE OF THE RAILROAD TRACKS. WE'RE ON THE OTHER SIDE OF THE RAILROAD TRACKS. AND WHAT WE'RE DOING, WE'RE NOT ALTERING THE FLOODPLAIN, WE'RE NOT BUILDING IN THE FLOODPLAIN, WE'RE BRIDGING OVER IT FOR ACCESS ONLY. SO WE WILL NOT BE ALTERING AT ALL WITH OUR PLAN. WE'RE NOT ASKING FOR AN ALTERATION WITH THIS PLAN.

Mayor Wynn: MS. GLASGO, IS THERE SOME DEVELOPMENT REVIEW STAFF HERE OR SOMEBODY FROM WATERSHED PROTECTION THAT CAN HELP US UNDERSTAND SOME OF THIS?

I CAN RESPOND. THE PLAN THAT HAS BEEN PRESENTED FOR REVIEW, THE PRELIMINARY PLAN, IT GOES IN TWO STAGES. WHEN YOU'RE INTRODUCING STREETS IN AN AREA THIS LARGE, YOU'RE REQUIRED TO SUBMIT WHAT'S CALLED A PRELIMINARY SUBDIVISION PLAN. AND THEN THAT'S THE PLAN THAT ALL THE FINAL PLATS ARE KEYED OFF FOR SALE OR FOR PURCHASE. HOMES CAN BE BUILT AND PEOPLE CAN SELL LOTS UNTIL YOU -- CAN'T BE BALT AND PEOPLE CANNOT SELL LOTS UNTIL ALL THE KEY ELEMENTS OF THE CODE HAVE BEEN ADDRESSED. AND THEN -- I THINK TWO MICROPHONES ARE ON. I HEAR AN ECHO. SORRY ABOUT THAT. BUT THAT PROCESS THEN ALLOWS THE SECOND STAGE TO INCLUDE WHATEVER REVISION FEMA IS GOING TO BE MAKING, SO THE ZONING AND PLATTING COMMISSION OUR PLANNING COMMISSION, DEPENDING ON WHICH BODY HAS JURISDICTION, WOULD THEN APPROVE THE PRELIMINARY PLAN AS APPLIES WITH ALL APPLICABLE REGULATIONS. AND THEN WHEN THE FINAL PLAT COMES IN, THAT WILL REFLECT WHATEVER FEMA HAS APPROVED WHENEVER THAT OCCURS WITH THE REVISION. WHAT APPEARS OBVIOUSLY HERE IS WE HAVE A ZONING CASE AND THE RESIDENTS ARE USING THIS PROBABLY AS A TOOL TO ENSURE THAT THEY ARE HEARD BECAUSE SUBDIVISIONS DO NOT COME TO THE CITY COUNCIL. ONCE THE COMMISSION APPROVES THEM, THEN THEY'RE CONCLUDED AT THAT STAGE. WHAT I WAS GOING TO SUGGEST POSSIBLY IS MAYBE A WEEK OR TWO POSTPONEMENT TO PROBABLY JUST GET EVERYBODY TOGETHER SO WE CAN FACILITATE A MEETING WITH THE ENGINEER, THE RESIDENTS, AND THEN WE JUST COMMENCE A NEIGHBORHOOD PLANNING

PROCESS FOR THE SOUTH RIVER CITY, AND THEY'RE PROBABLY JUST REALIZING THAT THERE'S AN OPPORTUNITY HERE TO HAVE A DIALOGUE. SO THAT'S WHAT I WOULD RECOMMEND THAT MAYBE THEY CAN ALL HEAR FROM THE REVIEW STAFF TO GIVE THEM AN UNDERSTANDING OF WHERE THE PROBLEMS ARE OR WHERE THE PROBLEMS DON'T EXIST AND PROBABLY GIVE THEM CRER

Dunkerley: BECAUSE THESE EVENT OCCURRED AT THE SAME TIME, THE ENGINEERING IDENTIFIED FLOODPLAIN ISSUES THAT WILL GO INTO FEMA, AND I THINK IN MANY PEOPLE'S MINDS THIS DEVELOPMENT IS AFFECTING THAT FLOODPLAIN IN SOME WAY. MY QUESTION IS HAD THEY NOT COME IN FOR ZONING AND IF SOMEBODY ELSE HAD JUST COME ALONG AND INDEPENDENTLY AT OUR REQUEST STUDIED THERE, WOULD IT HAVE SHOWN THE SAME THING? IN OTHER WORDS, THERE ARE SOME PEOPLE THAT DIDN'T KNOW OR WEREN'T IN THE FLOODPLAIN, AND AFTER THIS STUDY THEY ARE IN THE FLOODPLAIN. SO IN SOME MINDS IT MAY BE THAT THEY THINK THE PARTICULAR DEVELOPMENT IS CAUSING THAT CHANGE. SO WHAT I'M ASKING, IS IT INDEPENDENT OF THAT DEVELOPMENT.

WHAT IS INDEPENDENT OF THAT DEVELOPMENT?

Dunkerley: IF YOU DIDN'T HAVE A DEVELOPMENT OUT THERE AND YOU SENT AN ENGINEER OUT THERE TO DO A STUDY, WOULD THEY HAVE COME BACK AND SHOWN THE FLOODPLAIN EXACTLY AS THIS STUDY DOES? EVEN THOUGH THERE WAS NOT A DEVELOPMENT GOING IN ON THE OTHER SIDE OF THE ROAD?

I DON'T KNOW THE DETAILS GOING ON HERE. I KNOW TYPICALLY FLOODPLAINS CAN BE MODIFIED AND THAT REQUIRES A PROCESS TO DO THAT. BUT IT SOUNDS LIKE THERE IS CONFUSION WHETHER SOME PROPERTIES WERE ALREADY IN THE FLOODPLAIN AND PROBABLY SOME FOLKS WEREN'T AWARE OF THAT. AND I THINK A MEETING WOULD HELP TO HELP MAP THE FLOODPLAIN AS IT EXISTS TODAY BEFORE THE STUDY AND THEN LOOK AT WHAT THE STUDY HAS DETERMINED AND COMPARE THOSE TWO AND THEN PEOPLE CAN GET A BETTER UNDERSTANDING.

Dunkerley: THAT'S EXACTLY WHAT I WOULD LIKE YOU TO DO IF YOU COULD BECAUSE IT IS REALLY CONFUSING TO A LOT OF PEOPLE. AND THEY MAY HAVE ALREADY BEEN IN THE FLOODPLAIN AND NOT KNOWN IT OR THIS MAY HAVE IDENTIFIED SOME CHANGES THAT OCCURRED INDEPENDENTLY OF THIS DEVELOPMENT, THEY WOULD HAVE PUT THEM IN THE FLOODPLAIN ANYWAY.

CORRECT. AND SOMETIMES CHANGES OCCUR OVER TIME. WHEN A STUDY IS CONNECTED IT BRINGS TO LIGHT EITHER SOME OF THOSE INADEQUACIES OR ERRORS THAT WERE DONE IN THE PAST OR IT BRINGS TO LIGHT THINGS THAT MIGHT NEED TO BE CORRECTED. I THINK A POSTPONEMENT OF A WEEK OR TWO MIGHT HELP EVERYBODY UNDERSTAND WHAT THERE BEFORE AND WHAT IS PROPOSED TO MAKE SURE THAT EVERYBODY IS CLEAR ABOUT ALL THOSE ELEMENTS.

Dunkerley: AND YOU'RE ONLY RECOMMENDING FIRST READING TODAY.

IT WILL ONLY BE FIRST READING TODAY, BUT IT COUNCIL'S PREROGATIVE IF YOU WANT TO POSTPONE OR DO FIRST READING ONLY PENDING A MEETING THAT EXPLAINS TO EVERYBODY WHAT IS THERE VERSUS THE BEFORE AND AFTER, IF YOU WILL.

Leffingwell: I THINK WE NEED SOME TECHNICAL EXPERTISE ON THIS. IT'S MY HAZY UNDERSTANDING THAT WHEN THEY CALCULATE A FLOODPLAIN, THEY DON'T REALLY FIGURE WHAT IS ACTUALLY BUILT THERE, BUT THEY FIGURE WHAT COULD BE BUILT UNDER THE CURRENT ZONING. SO CURRENTLY THIS IS COMMERCIAL ZONE, WHICH WOULD HAVE MORE DENSITY. THE SF ZONING WOULD HAVE LESS DENSITY.

SO IT WOULD FOLLOW WHATEVER THE FLOODPLAIN WAS CHANGED TO, IT WOULD HAVE A SMALLER PROFILE THAN IT WOULD IF THE ZONING REMAINED COMMERCIAL. I WOULD LIKE TO HAVE THE EXPERTS VERIFY ALL THAT, AND SO I THINK COUNCILMEMBER DUNKERLEY'S SUGGESTION TO ASK FOR A POSTPONEMENT FOR A WEEK TO GET SOMEONE IN HERE WHO CAN TESTIFY TO THIS, I THINK THAT'S A GOOD

SUGGESTION.

I WOULD RECOMMEND THAT YOU POSTPONE FOR TWO WEEKS TO GIVE US ENOUGH TIME TO GET THE TECHNICAL STAFF, THE ENGINEERS FROM CITY STAFF AND THE DEVELOPER'S ENGINEER TO GET THE RESIDENTS TOGETHER, BECAUSE THAT'S THE KEY, THEY NEED TO BE ABLE TO UNDERSTAND WHAT THE CURRENT SITUATION IS AND THEN SHOW THEM WHAT THE PROPOSED SITUATION IT. AND THEN COME BACK TO COUNCIL WITH A REPORT ON THAT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM Z-6.

Thomas: MOVE FOR POSTPONEMENT UNTIL NOVEMBER THE THIRD.

Mayor Wynn: THERE'S A MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO POSTPONE UNTIL Z-6 AND IF NEED BE TO CONDUCT A PUBLIC HEARING AGAIN ON NOVEMBER THIRD, 2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. IF THERE ARE FOLKS HERE IN THE AUDIENCE ON CASE Z-8, I WANTED TO LET YOU KNOW THAT EARLIER WE POSTPONED CASE Z-8 FOR TWO WEEKS ALSO TO NOVEMBER THIRD, 2005. SO I WANT TO MAKE SURE FOLKS KNOW WE'RE NOT GOING TO TAKE UP ITEM Z-8 TODAY. A NUMBER OF FOLKS ARE STILL SHOWN AS SIGNED UP TO SPEAK. SO I GUESS THAT TAKES US TO Z-10?

KIND OF. THERE'S BEEN A LITTLE CHANGE, AND A GOOD ONE. THE NEIGHBORHOOD IS NOW REQUESTING THAT YOU POSTPONE Z-10, 11 AND 12 IN THEIR ENTIRETY TO DECEMBER THE FIRST SO THEY CAN COME BACK AND JUST HEAR EVERYTHING ALL AT ONCE HOPEFULLY BECAUSE WE HAD INFILL OPTIONS ALSO THAT PERTAIN TO THE ENTIRE AREA. SO THEIR REQUEST OF YOU IS TO POSTPONE THOSE THREE ITEMS IN THEIR ENTIRETY TO DECEMBER THE FIRST, 2005.

Mayor Wynn: A BE LATE ENED ATTEMPT TO CURRY FAVOR

WITH THE COUNCIL, RIGHT? [LAUGHTER]

IT'S WORKING.

BRILLIANT.

Mayor Wynn: COUNCIL, I'LL ENTERTAIN A MOTION ON ESSENTIALLY THE ENTERTAINED CASES Z-10, Z-11 AND Z-12.

SO MOVE.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM TO POSTPONE CASES Z-10 ACTION 11 AND 12 IN THEIR ENTIRETY TO DECEMBER FIRST, 2005, SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: I WANTED TO ASK THE RESIDENTS -- I JUST WANT TO SAY THANK YOU VERY MUCH FOR BEING HERE TONIGHT AND FOR YOUR WORK ON THIS NEIGHBORHOOD PLAN. I DO LIVE IN THE AREA AND SO I KNOW THAT YOU'VE HAD A SERIES OF MEETINGS, SO I KNOW THAT YOU'RE COMING HERE TONIGHT WAITING FOR THE DATE TO BE ANNOUNCED AND YOU SENT OUT A LOT OF NOTICES TO PEOPLE. I KNOW THAT TAKES A LOT OF TIME AND ESPECIALLY VOLUNTEERS. SO I APPRECIATE YOUR BEING HERE AND OF COURSE I WILL SUPPORT THE MOTION TO POSTPONE AS YOU'VE REQUESTED. THANK YOU.

Mayor Wynn: SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO POSTPONE CASES Z-10, 11 AND 12 UNTIL DECEMBER FIRST. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH.

THANK YOU, MAYOR AND COUNCILMEMBERS. THAT CONCLUDES THE ZONING CASES FOR TODAY.

Mayor Wynn: IT DOES. THANK YOU, MS. GLASGO. SO COUNCIL, HAVING NO MORE DISCUSSION ITEMS PRIOR TO AT LEAST THE 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND THE 6:00 O'CLOCK PUBLIC HEARINGS, WE CAN GO BACK INTO CLOSED SESSION. WE HAVE TWO REMAINING ITEMS. SO

PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, WE WILL NOW GO INTO CLOSED SESSION, TAKING UP POTENTIALLY ITEM NUMBER 45 RELATED TO DRAINAGE ISSUE AT PLEASANT VALLEY AND EL MONT DRIVE AND ITEM 49 RELATED TO WATER QUALITY AND IMPERVIOUS COVER REGULATIONS. SO COUNCIL WILL BE IN CLOSED SESSION. I LIKELY WILL RETURN HERE AT 55:30 FOR LIVE MUSIC AND PROCLAMATIONS AND THE COUNCIL WILL CONTINUE CLOSED SESSION DISCUSSIONS. WE ARE NOW IN CLOSED SESSION. THANK YOU.

EVERY TIME WE SELL BONDS THERE'S A FLOW OF FUND THAT GET STRUCTURED TO SAY WHAT POT THE MONEY GOES INTO. AND IN THIS PARTICULAR CASE RENT WAS SEVERAL POTS DOWN AND THE MONEY WHICH IS BEING GENERATED BY THE HOTEL FOR THE FIRST FOUR YEARS REALLY ONLY COVERED THE FIRST PART, WHICH IS OPERATING AND MAINTENANCE EXPENSES. UNDER THIS SCENARIO WE WILL MOVE OUR RENT PAYMENT UP TO THE TOP OF THE LIST AND BE IN A BETTER POSITION TO COLLECT.

Leffingwell: SO IN OTHER WORDS, WHEREAS BEFORE YOU'RE NOT GETTING RENT, NOW YOU ARE GETTING AT LEAST 75% OF THE RENT, IS THAT CORRECT?

YES.

Leffingwell: IT SEEMS TO BE SOMEWHAT OF AN IMPROVEMENT TO BE COLLECTING 75% INSTEAD OF ZERO%. SO IT DOES SEEM THAT THE AMENDMENTS REPRESENT AN IMPROVEMENT TO THE AGREEMENT, AND HAVING HEARD A LITTLE BIT MORE OF THIS OFF THE DAIS, I WOULD NOW MOVE APPROVAL OF AMENDMENT TO THE CONTRACT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM 6 AS PRESENTED AND POSTED. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. I APOLOGIZE FOR THE MISS CUE. SO NOW WE ARE BACK IN CLOSED SESSION AS ANNOUNCED EARLIER. THANK YOU VERY MUCH.

Mayor Wynn: OKAY, FOLKS, WELCOME BACK TO OUR WEEKLY 5:30 LIVE MUSIC GIG AT OUR AUSTIN CITY COUNCIL. JOINING US ARE THE WEARY BOYS, THEY HAVE BEEN PERFORMING THEIR OWN BRAND OF FOLK, POP, ROCK CAME BILLY TO GROWING AUDIENCES IN AUSTIN, U.S. AND EUROPE. THEIR FOURTH RELEASE COMBINE HOLY GHOST POWERS, DEMONSTRATES HOW THE BAND WORKS WITH TRADITION MATERIAL WITH AN EYE TO THE FUTURE. THEY HAVE PERFORMED WITH STARS SUCH AS WILLIE NELSON AND MERELY HAGGART AND PLEASE WELCOME ME IN WELCOMING THE WEARY BOYS. [(music) MUSIC PLAYING (music)(music)]. [(music) MUSIC PLAYING (music)(music)] WYNN,. [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

THANKS.

Mayor Wynn: TELL ME, SO, WHERE CAN WE HEAR YOU NEXT? DO YOU HAVE A CD, A WEBSITE, WHAT'S THE DEAL?

WE HAVE A WEBSITE [INDISCERNIBLE] TONIGHT WE ARE PLAYING AT HOLE IN THE WALL. PLAYING [INDISCERNIBLE] LONGHORN SATURDAY. AND PLAYING KINKY FREEDMAN BENEFIT ON THE 30th OF THE MONTH. [APPLAUSE] OVER AT WILLIE'S GOLF COURSE. AND -- THE WEARY BOYS.COM.

I HAVE A SPECIAL PROCLAMATION THAT READS BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY, WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITAL OF THE WORLD, THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM TODAY OCTOBER, 20th, 2005, AS THE WEARY BOYS IN AUSTIN [APPLAUSE] AND CALL ON ALL CITIZENS TO JOIN ME IN GONGRATULATING THIS GREAT TALENT. SO WHILE THE THE WEARY BOYS BREAK DOWN OVER THERE, WE ARE GOING TO START OUR OFFICIAL SORTS OF CERTIFICATES OF APPRECIATION AND

PROCLAMATIONS FOR THIS WEEK, WE ARE GOING TO START WITH MINISTERS INVOLVED IN THE BLACK OUTREACH PROJECT. WE ARE GOING TO ASK THE MINISTERS AND MR. JONES TO COME FORWARD. WHAT I THOUGHT THAT I WOULD DO, MOST OF THE MEMBERSHIPS CENTERS INVOLVED IN THE OUTREACH ARE HERE, BUT A HANDFUL CAN'T BE HERE. WE WILL READ THEIR NAMES. WE HAVE CERTIFICATES OF APPRECIATION FOR EACH OF THE MINISTERS, I THINK THAT I WOULD LIKE TO CALL ON SHANNON JONES ABOUT THE PAM, THE FUNDAMENTAL -- THE PROGRAM, THE FUNDAMENTAL PHILOSOPHY AND ABOUT THE GREAT WORK THAT'S BEEN ACCOMPLISHED.

THANKS VERY MUCH, MAYOR, COUNCIL, CITY MANAGER AND OTHERS. WE WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO CELEBRATE THE HARD WORK THAT THE MINISTERS HAVE DONE TO WORK WITH US IN OUR BLACK CHURCH OUTREACH PROJECT. THIS IS A PROJECT WORKING WITH CHURCHES IN THE AFRICAN-AMERICAN COMMUNITIES TO ADDRESS THE ISSUE OF H.I.V. AND AIDS. AS MANY OF YOU ARE AWARE, H.I.V. AIDS IS ONE OF THE LEADING CAUSES OF DEATH AND ONE OF THE FASTEST SPREADING DISEASE IN THE AFRICAN-AMERICAN COMMUNITY. WE REALLY HAVE BEEN WORKING REAL HARD IN THOSE INITIATIVES. WE WOULD LIKE TO ESPECIALLY THANK THE CITY MANAGER FOR TAKING THE DATA THAT WE PROVIDED SO SERIOUSLY THAT WE WENTED TO HEAR ON H.I.V. AND AIDS IN THE AFRICAN-AMERICAN COMMUNITIES WITHIN THIS CITY. HER CONCERN HAS EVOLVED INTO SEVERAL POSITIVE ACTIONS AND INITIATIVES. ONE BEING THIS EVENING TO HONOR THE NINE PASTORS THAT HAVE SERVED, THAT HAVE STARTED H.I.V. AIDS RESOURCE CENTERS IN THEIR CHURCHES. THESE UNIQUE COLLABORATIONS BETWEEN H.I.V. AND AIDS AND WITHIN THE CHURCHES AND THE COMMUNITY BASED ORGANIZATIONS WE WORK WITH IS AN EVOLVING MODEL THAT'S SOME NATIONAL ORGANIZATIONS ARE LOOKING AT TO -- TO INQUIRE ABOUT. WE AT AUSTIN TRAVIS COUNTY ARE FORTUNATE TO HAVE THESE PASTORS IN OUR COMMUNITY TO TAKE THE LEAD ON THESE ISSUES, WHO ARE WILLING TO STEP OUT AND MAKE THEIR CONGREGATIONS AWARE OF H.I.V. AND AIDS IS NOT SOMETHING THAT'S JUST WE SHOULD TALK ABOUT. BUT

THAT WE SHOULD DO THINGS ABOUT. I WOULD LIKE TO ONCE AGAIN THANK THE CITY MANAGER, MAYOR AND COUNCIL FOR ALL OF THE HARD WORK AND SUPPORT THAT YOU HAVE DONE AND WE WOULD LIKE TO ACKNOWLEDGE THE HARD WORK THAT THESE MINISTERS ARE DOING WITH US IN MAKING A DIFFERENCE IN THE AFRICAN-AMERICAN COMMUNITIES. THANKS AGAIN. [APPLAUSE]

Mayor Wynn: PERHAPS WITH SHANNON'S ASSISTANCE, WHAT I WILL DO IS -- THANK YOU, HOLD THESE. WE HAVE OFFICIAL CERTIFICATES OF APPRECIATION FOR EACH OF THE PASTORS INVOLVED. ALL BUT THREE COULD BE HERE WITH US. WHAT I WOULD DO IS THOUGHT THAT I WOULD READ A CERTIFICATE OF APPRECIATION, NAME THE PASTORS INVOLVED, AND THEN YOU ALL CAN JOIN ME IN THANKING AND CONGRATULATING THEM FOR A LOT OF HARD WORK. THIS IS OFFICIAL CITY OF AUSTIN CERTIFICATE OF APPRECIATION, IT READS: FOR PLACING AN H.I.V. EDUCATION RESOURCE CENTER WITHIN THIS CHURCH AS PART OF THE HEALTH AND HUMAN SERVICES DEPARTMENT BLACK CHURCH OUTREACH PROJECT, I WILL READ THE NAMES OF THE PASTORS INVOLVED, REVEREND RAYMOND BRYANT, GRANT CHAPEL AME WORSHIP CENTER, REVEREND RICHARD KOSUM OF SAINT MAYOR , ISAAC GRANT OF GREATER LOVE BAPTIST CHURCH, ROY JONES OF THE NEW HOPE BAPTIST CHURCH WHO I THINK WILL PROBABLY BE SPEAKING ON BEHALF OF THE PASTORS HERE IN A SECOND, REVEREND KENNEDY YOUNG OF OLIVET, REVEREND MARCUS FREED MAN OF SAINT PETER UNITED METHODIST CHURCH, NOT ATTENDING TONIGHT BUT PART OF THE PROGRAM IS REVEREND B.W. MCCLENDON OF SAINT JAMES BAPTIST CHURCH, REVEREND WHITE OF NEW ZION BAPTIST CHURCH, REFERRED JOSEPH PARKER OF DAVID CHAPEL BAPTIST CHURCH. THOSE PASTORS ARE DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THE NATIONWIDE SPREAD OF H.I.V. INFECTION AND AIDS NECESSITATES THE USE OF EVERY FORUM TO INCREASE ACTION, TO COMMUNICATE WITH AND TO EDUCATE OUR COMMUNITY TO STOP THE PROLIFERATION OF H.I.V. AIDS, BUT STEPPING THE MINISTRY TO INCLUDE AN H.I.V. RESOURCE CENTER THESE CHURCHES HAVE BECOME A VITAL FORCE IN THE FIGHT AGAINST ONE OF THE MOST IMPORTANT PUBLIC

HEALTH CHALLENGES OF OUR TIME. THIS CERTIFICATE IS PRESENTED WITH HEARTFELT THANKS FOR THE EFFORTS OF LOCAL CHURCH LEADERS AS ADVOCATES OF PUBLIC HEALTH, THIS 20th DAY OF OCTOBER, YEAR 2005, PLEASE JOIN ME IN CONGRATULATING ALL OF OUR PASTORS INVOLVED. [APPLAUSE]

GOOD EVENING. ON BEHALF OF MYSELF AND THE NEW HOPE MISSIONARY BAPTIST CHURCH FAMILY, ALONG WITH THESE GREAT PASTORS WHO ARE HERE RIGHT NOW AND THEIR CHURCH FAMILY, FIRST WE WANT TO SAY THANK YOU, WE ARE TICKLED PINK AND HONORED THAT WE RECEIVE THIS PROCLAMATION TODAY FOR THE HARD WORK THAT HAS BEEN DONE IN OUR COMMUNITIES. FIRST WE WANT TO SAY THANK YOU TO OUR GREAT ESTEEMED MAYOR OF THIS GREAT CITY, NONE OTHER THAN MAYOR WILL WYNN, THANK YOU TO THE CITY OFFICIALS, THANK YOU TO THE BLACK CHURCH OUTREACH PROJECT WHO HAS BEEN HELPFUL IN HELPING US TO GET THIS WORK STARTED. WE WANT TO SAY THANK YOU, TO MY GOOD FRIEND SAM PRICE THANK YOU SO MUCH. WE DID A PROGRAM A FEW MONTHS AGO AND IN THE PROGRAM IT -- THERE WAS A QUESTION THAT WAS STATED. HOW DO WE BREAK THE SILENCE? I THINK WE CAN BREAK THE SILENCE JUST BY STARTING TODAY, BREAK THE SILENCE OF THIS DEADLY DISEASE CALLED H.I.V. AND AIDS AND THE SIGMA THAT IS ATTACHED WITH THIS -- STIGMA THAT IS ATTACHED, LET'S BREAK THE SILENCE. HOW DO WE BREAK IT? WE WILL BREAK IT TODAY. BREAK IT FIRST BY THE CLERGY REPRESENTED HERE TODAY. BREAK IT BY THE COMMUNITIES THAT HAVE BEEN EDUCATED IN THIS DEADLY DISEASE CALLED AIDS AND WITH -- WITH GREAT EDUCATION AND THE CONTINUED EDUCATION, I BELIEVE THAT WE CAN MAKE A DIFFERENCE IN THE LIVES, BUT MOST OF ALL WE CAN SAVE A LIFE, IF WE SAVE ONE LIFE, WE HAVE DONE GREAT JUSTICE TO THIS COMMUNITY AND TO THIS CITY. SO WE WILL SAY AGAIN THANK YOU, THANK YOU, AGAIN LET'S BREAK THE SILENCE AND SAVE SOME LIVES. THANK YOU. [APPLAUSE]

OUR NEXT PROCLAMATION IS REGARDING DYSLEXIA AWARENESS DAY. I'M JOINED HERE BY LINDA GLADDEN. I WILL READ THE PROCLAMATION AND LINDA WILL TALK TO US ABOUT DYSLEXIA AND THE -- AND THE PROGRAMS AROUND

THIS AWARENESS DAY. THE PROCLAMATION READS: BE IT KNOWN WHEREAS DYSLEXIA IS A LEARNING DISABILITY THAT AFFECTS UP TO 15 PERCENT OF AMERICANS, IMPACTS THEIR ABILITY TO READ AND WRITE FOR LIFE. AND WHEREAS WITH APPROPRIATE INTERVENTION AND TEACHING METHODS, SUCH AS THOSE PROVIDED BY THE SCOTTISH RITE LEARNING CENTER, MOST DYSLEXIA INDIVIDUALS CAN ACHIEVE THE AIM SUCCESS AS THEIR NON-DYSLEXIA COUNTERPARTS. WHEREAS THE SRLC IS FEATURING DR. GARTH VAZZ AND HIS STORY OF OVERCOMING THE CHALLENGES OF BEING A POOR JAMAICAN IMMIGRANT WITH DYSLEXIA, IN ORDER TO FOCUS ATTENTION ON THIS DISABILITY AND TO INSPIRE STUDENTS AND THEIR FAMILIES FACING SIMILAR CHALLENGES, NOW THEREFORE I WILL WYNN, MAYOR OF AUSTIN, TEXAS, DO HEREBY PROCLAIM OCTOBER 22nd, 2005, SATURDAY AS SCOTTISH RITENO CARRIERRINGCONNECT 57600NO CARRIERRINGCONNECT 57600

Mayor Wynn: OUR NEXT PROCLAMATION IS REGARDING COMMUTE SOLUTION MONTH, I'M JOINED BY DWIGHT FERRELL. AGAIN I WILL READ THE PROCLAMATION AND DWIGHT WILL TALK TO US ABOUT THE PROGRAM. IT'S ACTUALLY STARTED TO HAVE AN IMPACT, MEASURABLE AND POSITIVE IMPACT NOW ON BOTH OUR TRAFFIC AND MOBILITY PROBLEMS IN AUSTIN AND AIR QUALITY. THE PROCLAMATION READS: BE IT KNOWN WHEREAS RISING GAS PRICES THAT HAVE DOUBLED THE COST OF THE COMMUTE TO AND FROM WORK, ARE AN ADDED INCENTIVE FOR AUSTINITES TO EXPLORE OPTIONS THAT ARE MORE ECONOMICAL, LESS TRAFFIC -- WITH LESS TRAFFIC CONGESTION AND REDUCE AUTO EMISSIONS THAT POLLUTE THE AIR. WHEREAS DURING THIS ANNUAL COMMUTE SOLUTIONS MONTH, CAPITAL METRO IS URGING CITIZENS TO DUMP THE PUMP AND TRY PARTICIPATING IN A CAR OR VAN POOL, RIDING THE BUS, WALKING OR RIDING A BIKE. WHEREAS TO FIND OUT HOW EASY RIDING THE BUS CAN BE, CAPITAL METRO HAS LAUNCHED A NEW SECTION ON ITS WEBSITE AIMED AT EDUCATING THE PUBLIC ABOUT PARK AND RIDE LOCATIONS, BUS ROUTES AND WHERE TO BUY BUS PASSES. THEREFORE I WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM OCTOBER 2005 AS COMMUTE

SOLUTIONS MONTH IN AUSTIN. I WOULD ASK DWIGHT TO TALK TO US MORE ABOUT THE PROGRAMS, HOW CAPITAL METRO AND OTHERS THROUGHOUT THE REGION HELP US FOCUS ON BETTER SOLUTIONS FOR BOTH OUR MOBILITY CHALLENGES AND AIR QUALITY. DWIGHT?

FIRST, ON BEHALF OF CAPITAL METRO, OUR BOARD, OUR PRESIDENT AND C.E.O. FRED GILLHAM AND OUR EMPLOYEES AND CONTRACTORS, I WOULD LIKE TO THANK THE CITY OF AUSTIN, MAYOR WYNN AND THE CITY COUNCIL MEMBERS AND THE OTHER EMPLOYEES OF THE CITY FOR ACKNOWLEDGING CAPITAL METRO AND ITS PARTNERS FOR - - FOR COMMUTE SOLUTIONS. AS YOU ALL KNOW, \$3 A GALLON GAS WILL MAKE EVERYBODY THINK A LITTLE DIFFERENTLY ABOUT PUBLIC TRANSPORTATION AND ALTERNATIVES TO -- TO GETTING OUT OF YOUR CAR AND DRIVING ALONE. IT'S A NICE THING TO DO, BUT IT'S KIND OF PRICEY THESE DAYS. SO -- SO -- I WILL GET THAT STRAIGHT. COMMUTE SOLUTIONS, LAST YEAR, THROUGH THIS PROGRAM, WE SAVED OVER 6,000 TRIPS FOR PEOPLE WHO CHOSE TO EITHER TAKE THE BUS, VAN POOL, CAR POOL, TELECOMMUTE OR WHAT HAVE YOU AND \$5,000 LUNCH TRIPS, WHICH SAVED -- 5,000 LUNCH TRIPS, WHICH SAVED APPROXIMATELY 96,000 MILES IN AUTOMOBILE TRAFFIC THAT'S A SUBSTANTIAL SAVINGS BOTH IN TERMS OF COST TO INDIVIDUALS AS WELL AS OUR AIR QUALITY. THIS YEAR, AS THE MAYOR TALKS ABOUT THE PROCLAMATION, CAPITAL METRO HAS LAUNCHED -- DUMP THE PUMP, RIDE THE BUS. WELL, WE LIKE FOR YOU TO DUMP THE PUMP -- I WILL GET IT OUT -- DUMP THE PUMP -- IT'S A MOUTHFUL, DUMP THE PUMP AND RIDE THE BUS, BUT ALSO DUMP THE PUMP AND VAN POOL. DUMP THE PUMP AND CAR POOL. DUMP THE PUMP AND WALK OR TAKE A BIKE OR WHAT HAVE YOU. AUSTIN IS A WONDERFUL, WONDERFUL PLACE TO LIVE. WE ARE STARTING TO HAVE A PROBLEM A LOT OF CITIES HAVE IN TERMS OF AIR QUALITY. THIS IS A GREAT OPPORTUNITY FOR ALL OF US TO PARTICIPATE. I WOULD LIKE TO MENTION FOR THOSE OF YOU WHO -- THAT IT'S NOT IN THE -- NOT IN THE PROCLAMATION, BUT CAPITAL METRO'S WEBSITE IS CAPMETRO.ORG. PLEASE TAKE A LOOK AT THAT AND OTHER OPPORTUNITIES OUT THERE TO USE PUBLIC TRANSPORTATION AND OTHER ALTERNATIVES. OUR BUS

SPAS ARE AS LOW AS \$10. YOU CAN'T GO ANYWHERE THESE KAYS FOR 10 BUCKS. \$3 A GALLON, YOU DON'T GET VERY FAR. IN FACT YOU DON'T GET OUT OF AUSTIN QUITE HONESTLY. SO WITH THAT I WOULD LIKE TO THANK THE MAYOR AGAIN AND THE CITY FOR THIS AWARD AND I WOULD ALSO AGAIN ENCOURAGE YOU TO DUMP THE PUMP AND RIDE THE BUS. THANK YOU, SIR. [APPLAUSE] OKAY, WE ARE NOT SUPPOSED TO PLAY FAVORITES WITH THESE, MANY CITY EMPLOYEES ARE SUGGESTING THAT WE SAVE THE BEST FOR LAST FOR OUR PROCLAMATIONS HERE TODAY. THIS IS A DISTINGUISHED SERVICE AWARD FOR FORMER CITY COUNCIL MEMBER BETTY HIMMELBLAU. I WOULD LIKE TO READ THE OPERATION. I THINK COUNCILMEMBER DUNKERLY WOULD LIKE TO SAY A FEW WORDS AS WELL, PERHAPS EVEN THE CITY MANAGER. BUT THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD FOR STEADFAST COMMITMENT TO THE CITIZENS OF AUSTIN, BETTY HIMMELBLAU IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. FOR MORE THAN THREE DECADES, BETTY HAS PLAYED NUMEROUS ROLES IN BOTH THE CITY AND STATE LEVELS TO ENSURE EQUITY IN OUR COMMUNITY. SHE SERVED OUR CITY AS A COUNCIL MEMBER FOR THREE TERMS FROM 1975 TO 1981, AND SPONSORED ITEMS SUCH AS THE ORDINANCES THAT CREATED THE MEDICAL ASSISTANCE PROGRAM OR M.A.P. AS WE CALL IT AND THE CURRENT COMMISSION FOR WOMEN. A TIRELESS LEADER IN IMPROVING OUR LOCAL HEALTH CARE SYSTEMS, SHE HAS SERVED ON NUMEROUS BOARDS, GIVING COUNTLESS HOURS OF HER TIME AND ENERGY. THIS CERTIFICATE IS PRESENTED IN RECOGNITION THEREOF, THIS 20th DAY OF OCTOBER, THE YEAR 2005, VERY HONORED TO BE SIGNED BY ME, MAYOR WILL WYNN, ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, AGAIN A DISTINGUISHED SERVICE AWARD BETTY HIMMELBLAU. [APPLAUSE] WE SAVED BETTY FOR LAST.

Dunkerly: WELL, IT'S REALLY HARD TO SAY A FEW WORDS ABOUT BETTY HIMMELBLAU. SHE HAS BEEN CERTAINLY A SHINING EXAMPLE FOR ALL OF US WHO HAVE ANY INTEREST IN PUBLIC SERVICE OR IN HEALTH CARE FOR THE POOR. SHE'S BEEN INSTRUMENTAL IN THOSE AREAS AS WELL AS MANY, MANY OTHERS. AND I CAN'T TELL YOU HOW

GRATEFUL I AM FOR HER LEADERSHIP, FOR HER MENTORING, AND JUST FOR HER GENERAL SUPPORT. SO THANK YOU VERY MUCH FOR ALL YOU HAVE DONE. [APPLAUSE]

THANK YOU ALL SO VERY MUCH. I WOULD LIKE TO THANK THE MAYOR AND COUNCIL AND THE MEMBERS OF THE HEALTH CARE DISTRICT AND THEIR STAFF, TRISH YOUNG FOR THEIR SUPPORT THAT HAVE ENABLED ME TO HAVE THIS AWARD. AND I'M VERY PROUD TO BE HERE TONIGHT. AND I ALSO WANT TO THANK THE FINEST CITY MANAGER THAT WE'VE HAD IN MANY, MANY A YEAR, TOBY FUTRELL. [APPLAUSE]

Futrell: ALL RIGHT, WORDS CANNOT SHOW ENOUGH WHEN YOU ARE TALKING ABOUT BETTY HIMMELBLAU, I HAD TO RESORT FOR FLOWERS, BETTY. THESE ARE FOR YOU, WHEN YOU ARE TALKING ABOUT BETTY HIMMELBLAU YOU ARE TALKING A LEGEND IN OUR CITY, THE KIND OF WOMAN WHO IS A MENTOR FOR SO MANY WOMEN IN OUR COMMUNITY, ONE OF A KIND, IRREPLACEABLE AND UNFORGETTABLE, BETTY HIMMELBLAU. [APPLAUSE]

Mayor Wynn: THE COUNCIL MEETING WILL CONTINUE AFTER A SHORT BREAK. THANK YOU.

WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEMS NUMBER 45 AND 49, FOR DECISIONS WERE MADE. THAT ENDED OUR CLOSED SESSION FOR THE WEEK. WE HAVE A NUMBER OF ANNEXATION PUBLIC HEARINGS, NO CITIZENS HERE FOR. SEEMS LIKE WE HAVE A HANDFUL OF CITIZENS FOR -- FOR ONE OF OUR POTENTIAL PUBLIC HEARINGS. ITEM NO. 65. TWO POSTED PUBLIC HEARINGS, 64 AND 65, I THINK THERE WAS A POTENTIAL REQUEST TO POSTPONE 64, THAT'S CORRECT.

THAT'S CORRECT, MAYOR. ITEM 64 IS RECOMMENDED TO BE POSTPONED TO NOVEMBER 17th 17th, 2005.

I WILL ENTERTAIN A MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN THAT I WILL SECOND TO POSTPONE ITEM NO.

64 TO NOVEMBER 17th, 2005. FURTHER COMMENTS?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE
OF 5-0 WITH COUNCILMEMBER DUNKERLY AND LEFFINGWELL
OFF THE DAIS.

ITEM NO. 65.

ITEM NO. 65, MAYOR. IT'S TO CONDUCT A PUBLIC HEARING
TO CONSIDER A REQUEST FOR A WAIVER FROM THE
MINIMUM DISTANCE REQUIREMENT OF CITY CODE 4-9-4-A
BETWEEN A RESTAURANT AT 1123 SOUTH CONGRESS AND A
SCHOOL LOCATED AT 1102 SOUTH CONGRESS. MAYOR AND
COUNCIL, SECTION 4-9-5 PROVIDED THAT THE COUNCIL
MAKE CONSIDER A WRITTEN REQUEST TO THE WAIVER OF
THE 300-FOOT DISTANCE REQUIREMENT PROVIDED BY THE
SCHOOL. LOOK IN YOUR BACKUP, YOU WILL SEE A LETTER
CLAIRE BUGEN THE SUPERINTENDENT OF THE TEXAS
SCHOOL FOR THE DEAF, SHE HAS PROVIDED A LETTER
INDICATING THAT SUPPORT. I BELIEVE THAT THE APPLICANT
IS HERE AS WELL.

GREAT, THANK YOU MR. PAN ALLION. SO WE HAVE A
NUMBER OF FOLKS HERE -- REMIND ME, JOE, ON A PUBLIC
HEARING FOR A REQUEST FOR THE WAIVER OF THIS
MINIMUM DISTANCE REQUIREMENT OF CITY CODE, DO WE
NORMALLY CONDUCT THOSE LIKE A -- DO WE HAVE LIKE A
FIVE MINUTE PRESENTATION BY THE -- BY THE APPLICANT
AND THEN WE HEAR FROM CITIZENS AT 3 MINUTES? BOTH
FOR AND AGAINST AND HAVE REBUTTAL OR JUST TAKE A --

JUST CONDUCT IT AS A REGULAR PUBLIC HEARING.

OKAY, GREAT.

Mayor Wynn: THEN MS. BROWN, I'M GOING TO BE STEPPING
OFF THE DAIS IN A FEW MINUTES, IF YOU COULD USE YOUR
SIGNUP SHEET AND CALL OUT THE CITIZENS WHO WOULD
LIKE TO ADDRESS US ON THIS ITEM AND IN A SECOND I'M
GOING TO HAND THE GAVEL OVER TO THE MAYOR PRO TEM.

IF YOU COULD START CALLING UP THE CITIZENS WHO WANT TO SPEAK ON ITEM NO. 65.

AND DO YOU WANT TO DO THE AGAINST FIRST?

Mayor Wynn: LET'S DO THE AGAINST FIRST.

Clerk Brown: OKAY. THE FIRST SPEAKER AGAINST IS ALLEN WARD.

GOOD EVENING, MY NAME IS ELLEN WARD. I LIVE IN THE SRCC NEIGHBORHOOD. AND I HAVE WORKED IN THE ALCOHOL, TOBACCO AND OTHER DRUG ABUSE PREVENTION FIELD FOR OVER 25 YEARS. MOST RECENTLY WITH TEXANS STANDING TALL, STATE-WIDE COALITION TO PREVENT ALCOHOL ABUSE. TEENAGED DRINKING IS THE NUMBER ONE HEALTH CRISIS ACCORDING TO THE AMERICAN MEDICAL ASSOCIATION. RECENT SURVEYS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES INDICATE THAT THE AVERAGE AGE THAT KIDS BEGIN DRINKING IS AGE 12. THAT APPROXIMATELY ONE THIRD OF OUR SECONDARY STUDENTS DRINK ON A REGULAR BASIS. AND THAT ABOUT ONE-FOURTH ACKNOWLEDGE, OF OUR SENIORS, ACKNOWLEDGE DRIVING WHILE INTOXICATED. AND I HAVE FOR YOU THE LATEST SUBSTANCE ABUSE SURVEY FROM -- FROM THE STATE HEALTH SERVICES. THAT THEY SET OUT. ALCOHOL IS THE PRIMARY DRUG OF ABUSE, AMONG TEXAS YOUTH, ALCOHOL KILLS FIVE TIMES MORE TEENS THAN ALL OTHER DRUGS COMBINED. UNDER AGE ALCOHOL AN ABUSE TS TEXANS OVER 5.5 BILLION ANNUALLY. NONE OF THIS HAPPENS IN A VACUUM. YOUTH IS VERY IMPRESSIONABLE, THEIR PERCEPTIONS DRIVE THEIR BEHAVIORS. WHEN A HIP, BEER AND BURGER RESTAURANT IS RIGHT OUTSIDE THEIR WINDOWS AS IT WILL BE WITH THE DEAF SCHOOL ACROSS THE STREET, IT -- THE DRINKING LOOKS LIKE THE COOL THING TO DO. THE 300-FOOT ALCOHOL FREE ZONE IS DESIGNED TO GIVE A MODICUM OF SAFETY TO OUR DEVELOPING YOUTH. THE AUSTIN CITY COUNCIL HAS WISELY ENACTED THIS ORDINANCE. THE AISD SCHOOL BOARD HAS ENDORSED THE POLICY. HOWEVER, ANY LAW IS ONLY AS EFFECTIVE AS ITS ENFORCEMENT. PLEASE KEEP OUR KIDS AND OUR NEIGHBORHOOD AND OUR CITY SAFE BY

UPHOLDING CITY CODE SECTION 494 A. THANK YOU.

Mayor Wynn: THANK YOU. NEXT.

Clerk Brown: THE NEXT SPEAKER IS DONETTE SCHINTE AND I KNOW THAT JEAN MATHERS IS HERE, HOW ABOUT TIM MAHONEY? MARY LOVELL? SANDRA KIRK.

Thomas: 15 MINUTES OREGON.

12 MINUTES. I BELIEVE -- 12 MINUTES, I BELIEVE, MR. MAHONEY IS NOT HERE.

THANK YOU, COUNCILMEMBERS. I GUESS YOU DIDN'T GET BY WITHOUT HEARING FROM ME TONIGHT. MY NAME IS DONETTE COMENTE, CO-PRESIDENT OF THE SOUTH RIVER CITY NEIGHBORHOOD ASSOCIATION. DOC'S BAR AND GRILL IS WITHIN OUR NEIGHBORHOOD BOUNDARIES. WHEN WE FIRST HEARD OF THE PLAN FOR A NEW RESTAURANT AND BAR MANY RESIDENTS WERE REALLY PLEASED ESPECIALLY BECAUSE IT WOULD BE A LOCALLY OWNED BUSINESS. IN DISCUSSIONS WITH THE OWNERS WE IMMEDIATELY BROUGHT UP TWO CONCERNS MUCH ONE WAS THE ALCOHOL SALES AND LEGALITY GIVEN THE PROXIMITY TO THE TEXAS SCHOOL FOR THE DEAF. THE OTHER WAS THE EVER PRESENT PARKING PROBLEM ON SOUTH CONGRESS. WHERE WERE THE PATRONS OF THE NEW RESTAURANT AND BAR TO PARK? WE WERE ASSURED THAT ALCOHOL SALES WAS NOT AN ISSUE BECAUSE T.S.D. WAS STATE NOT CITY PROPERTY. OBVIOUSLY SINCE THIS CASE IS IN FRONT OF YOU TONIGHT, THAT WAS INCORRECT. THE BAR AND GRILL SITE PROVIDES ONLY A HANDFUL OF ACTUAL PARKING SPACES, SO THE OWNERS ENTERED INTO A CONTRACT WITH TEXAS SCHOOL FOR THE DEAF TO UTILIZE TSD PARKING LOTS, WHICH ARE DIRECTLY ADJACENT TO CHILDREN'S DORMS, AS THE OFF-SITE PARKING FACILITY FOR THEIR BAR AND RESTAURANT. THE T.S.D. LOTS ARE LOCATED ACROSS THE VERY BUSY SOUTH CONGRESS AVENUE AND ARE ONLY ACCESSIBLE THROUGH SECURITY GATES THAT ARE CLOSED TO THE PUBLIC. AT BEST, THESE LOTS ARE LOCATED BARELY WITHIN THE THOUSAND FEET MAXIMUM REQUIRED BY OFF-SITE PARKING REGULATIONS. ACCORDING TO A CONTRACT DATED SEPTEMBER 20th, 2004, T.S.D. WAS PAID A

ONE-TIME FEE OF \$2,500 IN MARCH AND SHOULD BE BEING PAID A THOUSAND DOLLARS PER MONTH FOR ONGOING USE OF THE PARKING SPACES. BACK IN FEBRUARY, THE T.S.D. SUPERINTENDENT CLAIRE ABOUT MADE IS CLEAR THAT ONLY EMPLOYEES OF THE RESTAURANT AND PARKING ATTENDANTS, NOT PATRONS WILL BE ABLE TO ACCESS THE T.S.D. LOTS. THE NEIGHBORHOOD QUESTIONS THE VIABILITY, WHY WOULD PATRONS WANT TO USE VALET PARKING TO GO TO A BEER AND BURGER JOINT? CONCERNS WERE EXPRESSED THAT THE T.S.D. LOTS WOULD NEVER BE USED AND PARKING WOULD OCCUR BEHIND THE RESTAURANTS ALONG ALREADY OVERCROWDED NEIGHBORHOOD STREETS. WE WERE ASSURED BY RESTAURANT REPRESENTATIVES THAT THEY WANTED TO ALLAY NEIGHBORS PARKING CONCERNS AND THEY REALLY INTENDED TO MAKE THE VALET PARKING A WORKABLE SOLUTION. THEY SAID THEY INTENDED TO OFFER VALET PARKING AS A FREE SERVICE SO THAT PATRONS WOULD BE MORE INCLINED TO UTILIZE IT. THEY CLAIMED ALL OF THEIR EMPLOYEES WOULD BE REQUIRED TO PARK AT THE T.S.D. LOTS AS WELL. DOCK'S BAR AND GRILL HAS BEEN OPEN FOR OVER A MONTH NOW ALREADY SERVING ALCOHOL AS WELL AS FOOD. THERE IS NO VALET PARKING AVAILABLE, EMPLOYEES AS WELL AS PATRONS ARE PARKING IN THE NEIGHBORHOOD ALONG ACADEMY AND THIS PARKING HAS ALREADY BECOME PROBLEMATIC AND A SAFETY CONCERN FOR NEARBY RESIDENTS. INDEED, DOC'S WEBSITE DIRECTS PATRONS TO "LEAVE THE CAR AROUND BACK." NO MENTION OF VALET PARKING. AT A PTA MEETING IN FEBRUARY THE PTA SUPERINTENDENT EXPLAINED AWAY NEGATIVE EFFECTS TO CONCERNED DEAF STUDENT PARENTS BY SAYING THAT THE BAR ISN'T REALLY GOING TO USE THEIR DEAF SCHOOL PARKING LOT. AT A RECENT SOUTH CONGRESS MERCHANTS MEETING, REBECCA STAR WHO WORKS FOR T.S.D. ON DEVELOPMENT AND OUTREACH SERVICES AND IS ALSO ON THEIR BOARD WAS ASKED IF T.S.D. WAS PROVIDING PARKING FOR DOC'S BAR AND GRILL. REBECCA ANSWERED THAT THE AGREEMENT WAS REALLY JUST FOR SOMETHING SHE REFERRED TO AS "VIRTUAL PARKING." JUST SOMETHING THAT THE CITY REQUIRES SO DOC'S COULD GET THEIR SITE PLAN APPROVED. APPARENTLY, THE OWNER'S PROMISES WERE NOT

SOMETHING THAT THEY INTENDED TO FOLLOW THROUGH WITH AND THEY WERE UTILIZING THE T.S.D. PARKING SCHEME MERELY TO GET THEIR SITE PLAN APPROVED. AFTER MUCH PRESSURE FROM THE NEIGHBORHOOD, CITY STAFF HAS FINALLY PRODUCED A LETTER DATED OCTOBER 18th, CITING DOCK'S MOTOR WORKS FOR PERMIT VIOLATIONS. THE VIOLATIONS ARE TWOFOLD AND I HAVE A COPY OF THIS IF YOU WOULD LIKE TO SEE IT. FIRST, A FIELD INVESTIGATION OF THE SITE DETERMINED THAT THE VALET SERVICE IS INDEED NOT BEING OFFERED AND THIS IS A VIOLATION OF THEIR SITE PLAN. SECOND, THEY HAVE BEEN IN VIOLATION OF CITY CODE FOR THE LAST MONTH BECAUSE THEY HAVE SOLD ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A SCHOOL. THEY HAVE SOLD THESE BEVERAGES. THEY ARE ALSO GIVING THEM AWAY ON CERTAIN DAYS, BUT THEY HAVE BEEN SELLING ALCOHOL. ONE OF THE SURROUNDING NEIGHBORHOOD' BIGGEST CONCERN IS THAT DOC'S MOTOR WORKS REPRESENTATIVES HAVE ON SEVERAL OCCASION, INCLUDING AN ARTICLE IN THE AUSTIN AMERICAN-STATESMAN, INDICATED THAT THEY WILL AT SOME POINT PURSUE A PERMIT TO ALLOW FOR ALCOHOL SALES UNTIL 2:00 A.M. IT IS INAPPROPRIATE TO HAVE LATE-NIGHT ALCOHOL SALES WHEN THERE ARE NEIGHBORS IMMEDIATELY BEHIND THE BUSINESS, ONE OF WHOM WILL SPEAK TONIGHT, WHO ARE TRYING TO SLEEP, WORK AND BRING UP CHILDREN. IN THE SAME AUSTIN AMERICAN-STATESMAN ARTICLE, DOC'S REPRESENTATIVES CLAIMED THAT, I'M QUOTING, WE UNDERSTAND THEIR CONCERNS REGARDING A LATE-NIGHT PERMIT. BUT WE FEEL THAT WITH THE TRACK RECORD OF THE PRINCIPALS INVOLVED, THAT WILL NOT BE AN ISSUE. WELL, THEIR TRACK RECORD IN JUST THE MONTH THEY HAVE BEEN OPEN DOES NOT LEND THEM MUCH CREDIBILITY. THE RESOLUTION BEFORE YOU STATES, "WHEREAS THE CITY COUNCIL AFTER CONSIDERATION OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND THE EQUITIES OF THE SITUATION HAS DETERMINED THAT THE WAIVER REQUEST IS IN THE BEST INTERESTS OF THE COMMUNITY." I WOULD RESPECTFULLY REQUEST THAT YOU GIVE CAREFUL CONSIDERATION TO THAT STATEMENT. BOTH NEIGHBORHOODS THAT ARE IN PROXIMITY TO DOC'S MOTOR WORKS, SRCC AND BOULDIN CREEK HAVE MAJOR CONCERNS WITH THE SAFETY AND WELFARE OF THE PUBLIC

SURROUNDING THE BUSINESS. THE OWNERS OF DOC'S MOTOR WORKS BAR AND GRILL HAVE NOT ACTED IN GOOD FAITH AND HAVE MADE NO ATTEMPT OR EVEN SHOWN AN INCLINATION UNTIL RECENTLY WHEN THEY WERE CITED FOR PERMIT VIOLATIONS TO MEET PROMISES MADE TO SURROUNDING COMMUNITIES. WE ASK THAT THE CITY COUNCIL POSTPONE GRANTING THIS WAIVER UNTIL SUCH A TIME AS THE OWNERS HAVE PROVEN THAT THEY ARE IN COMPLETE COMPLIANCE WITH THE SITE PLAN AND HAVE MADE GOOD ON PROMISES TO THE NEIGHBORHOOD WITH RESPECT TO PROVIDING VALET, FREE VALET PARKING, A REQUIREMENT OF THEIR SITE PLAN, ADVERTISING AND DIRECTING PATRONS TO UTILIZE THAT VALET PARKING RATHER THAN THE NEIGHBORHOODS AS THEIR PARKING LOTS, AND ENSURING THAT EMPLOYEES UTILIZE THE T.S.D. LOTS LIKE THEY PROMISED. WE ALSO VERY STRONGLY REQUEST THAT WHEN A WAIVER IS GRANTED, THAT YOU ATTACH A CONDITION SPECIFYING THAT THERE WILL BE NO ALCOHOL SERVED UNTIL -- SERVED AFTER MIDNIGHT GIVEN THE OPEN PATIO, THE PROXIMITY TO NEIGHBORING RESIDENCES AS WELL AS THE TEXAS SCHOOL FOR THE DEAF. AND THE INEVITABLE PARKING THAT WILL TAKE PLACE IN THE NEIGHBORHOOD. THANK YOU FOR YOUR TIME AND CONSIDERATION.

Thomas: THANK YOU.

Clerk Brown: THE NEXT SPEAKER IS TERRY FRANCE. THE NEXT SPEAKER THEN IS COREY WALTON.

GOOD EVENING, I'M COREY WALTON, PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. BOULDIN CREEK, AS YOU KNOW, SHARES CONGRESS AVENUE WITH SRCC. WE ARE ALSO THE -- THE HOME OF THE TEXAS SCHOOL FOR THE DEAF, WHICH -- WHICH IS THE LOCATION FOR THE OFFSITE PARKING FOR DOC'S MOTOR WORKS AND THE CAUSE FOR THIS -- FOR THIS WAIVER APPLICATION. IN OUR NEIGHBORHOOD PLAN, BOULDIN CREEK ADDRESSED THE GROWING PROBLEM OF LOCAL DAYTIME SERVICE AND RETAIL BUSINESSES REDEVELOPING INTO NIGHTTIME DINING AND ENTERTAINMENT USES. WE DID THIS BY CALLING UPON THE CITY FOR MAXIMUM ENFORCEMENT OF PARKING REGULATIONS IN AREAS LIKE SOUTH CONGRESS,

WHERE SPILL OVERPARKING IS A BURDEN FOR RESIDENTIAL NEIGHBORS. IT LOOKS LIKE IN REVIEWING AND APPROVING THE SITE PLAN FOR DOC'S MOTOR WORKS, THE CITY STAFF APPARENTLY DIDN'T READ THIS PROVISION IN OUR PLAN. NOW, WHILE THE NEIGHBORHOOD PLAN IS NOT AN ORDINANCE, BUT MERELY A GUIDELINE, FOR CITY STAFF, THIS CASE REFLECT THE LARGER CITY-WIDE ISSUE THAT IS AN ORDINANCE AND THAT ISSUE IS CODE COMPLIANCE. CODE COMPLIANCE MUST START WITH THE SITE PLAN. WHERE AM I GOING WITH THIS? I'M GETTING THERE. WHILE WE APPRECIATE THAT THE CITY'S RECENT STEPS IN BEEFING UP CODE ENFORCEMENT, THOSE ISSUES IN THIS CASE DO NOTHING TO ADD THE CORE ISSUE OF CITY STAFF APPROVING COMMERCIAL SITE PLANS THAT INCLUDE GLARING CODE VIOLATIONS LIKE THIS ONE, THAT THE WEB -- THAT THE WAIVER ATTEMPTS TO ADDRESS. AND IN OTHER WORDS FIXING A PROBLEM THAT -- THAT -- LIKE THIS ONE AFTER THE SITE PLAN HAS BEEN APPROVED IS TOO LATE. ONCE A BUSINESS HAS BEEN SUBSTANTIAL -- SUBSTANTIALLY DEVELOPED IN TERMS OF INVESTMENTS IN TIME AND MONEY AND THE SITE PLAN, PROPERTY IMPROVEMENTS, GOTTEN THE CITY'S SIGNOFF ON THE SITE PLAN AND OPENED ITS DOORS FOR BUSINESS, THE CITY CAN'T GO BACK AND TELL THE BUSINESS OWNER, SORRY, WE MADE A MISTAKE. YOU HAVE GOT TO CLOSE YOUR DOORS. I HAVE NEVER SEEN THAT HAPPEN IN AUSTIN. I -- IN THIS CASE THE CITY HAS TO FIX ITS MISTAKES WITH VARIANCES, EXEMPTIONS AND WAIVERS. THESE DON'T IN ANY WAY LESSEN THE DAMAGE TO THE SURROUNDING NEIGHBORHOODS, SAFETY, PROPERTY VALUES, AND LIFE QUALITIES [BUZZER SOUNDING] THEY JUST MAKE IT ILLEGAL. CAN I HAVE TWO MORE MINUTES.

Thomas: DID YOU HAVE [INDISCERNIBLE] WHITE HERE? WERE YOU GOING TO DONATE THREE MINUTES? YOU HAVE THREE MORE MINUTE THEN SIR.

THANK YOU. UNFORTUNATELY, THOUGH, IN THIS CASE THE CITY CAN STILL RIGHT NOW TAKE STEPS TO MINIMIZE THE FURTHER NEGATIVE IMPACTS BY THIS BUSINESS ON THE NEIGHBORHOOD. TO THAT END I WOULD LIKE TO ECHO THE REQUEST THAT WE RESPECTFULLY AND URGENTLY REQUEST THAT BEFORE GRANTING THE WAIVER, AND AS

CONDITIONAL TO THIS GRANTING THAT THE CITY REQUIRE THAT DOC'S BECOME FULLY COMPLIANT WITH REGARD TO ITS VALET PARKING AND OFFSITE PARKING REQUIREMENTS, THAT -- THAT IT REQUIRES DOCS TO INCLUDE IN ITS ADVERTISING AND PROMOTIONAL MATERIALS THE INFORMATION THAT THE VALET PARKING SERVICE IS FREE OF CHARGE TO ITS CUSTOMERS. AND THAT DOCS NOT APPLY FOR LATE HOURS ALCOHOL SALES PERMIT AND THAT THE CITY NOT GRANT DOC'S PERMITTING FOR LATE HOURS OPERATION. IT'S REASONABLE, I THINK, AND EASILY IMPLEMENTED AND ENFORCEABLE, PREVENTIVE MEASURES WILL GO FAR IN MITIGATING FUTURE NEGATIVE IMPACTS ON THE RESIDENTIAL NEIGHBORHOOD BY THIS BUSINESS. THANK YOU, COUNCILMEMBERS, FOR YOUR CONSIDERATION.

Thomas: THANK YOU.

Clerk Brown: NEXT SPEAKER IS MATTHEW LANELL.

YOU ALL HAVE FOUR MINUTES.

WHO DONATED?

THANK YOU.

MY NAME IS MATT, MY WIFE GLORIA AND I LIVE AT 110 ACADEMY DRIVE. WE HAVE TWO YOUNG BOYS, MASON AND SAM. WE HAVE LIVED IN OUR HOME IN TRAVIS HEIGHTS FOR THE LAST 14 YEARS. WE RESIDE WITHIN 300 FEET OF DOC'S BAR AND GRILL. WE HAVE TWO MAJOR CONCERNS AT PRESENT. SAFETY AND TRUST. THIS CONCERN IS CREATED BY TWO THINGS: FIRST, THE INCREASED DANGER AT THE INTERSECTION OF ACADEMY AND SOUTH CONGRESS. DUE TO THE DANGEROUS DRIVING CONDITIONS FROM A RESULT OF CUSTOMERS AND EMPLOYEES PARKING A ACADEMY DRIVE. SECOND THE TRACK RECORD OF COMPLIANCE AND LEGAL ISSUES AND PROMISES TO DATE. AND THE SELLING OF ALCOHOL WITHIN 300 FEET OF THE SCHOOL. THE APPLICANTS SAID THAT THEY WOULD HAVE PARKING FOR BOTH EMPLOYEES AND VALET CARS AT TEXAS SCHOOL FOR THE DEAF. WHEN MY BOYS AND I -- WHEN MY BOYS AND I VISITED DOCS ON OPENING DAY, SEPTEMBER 19th, WE

TALKED WITH TED, WHO IS ONE OF THE OWNERS, ABOUT THE PARKING SITUATION. HE MENTIONED HE UNDERSTOOD MY CONCERNS. WELL, WE HAVE SEEN EMPLOYEES PARKING IN FRONT OF OUR HOUSE ON ACADEMY DRIVE AT LEAST 10 TIMES IN THE LAST TWO WEEKS. I HAD ONE PARKING AT THE END OF OUR DRIVEWAY JUST THE OTHER DAY MAKING IT DIFFICULT FOR US TO GET OUT. EMPLOYEES ARE ALSO PARKING BEHIND DOCS ON MUSIC LANE, WHICH IS DIRECTLY BEHIND THEIR RESTAURANT. I HAVE MENTIONED TO SEVERAL OF THESE EMPLOYEES THAT THEY SHOULD BE PARKING AT T.S.D. THEY DO NOT SEEM TO KNOW THIS. THE INTERSECTION AT ACADEMY AND CONGRESS HAS BECOME CONGESTED AND DANGEROUS. PEOPLE ARE PARKING UP TO THE CROSS WALKS AND ON THREE OF THE FOUR SIDES AT THE INTERSECTION. LEGALLY THEY COME CLOSE TO INTERSECTIONS AND TO FIRE HYDRANTS. LAST SATURDAY WE WAITED TO TURN ON TO ACADEMY WHILE A SUBURBAN BACKED OFF OF CONGRESS, DID A U-TURN IN THE INTERSECTION OF ACADEMY SO THAT IT COULD PARK AT THE END OF ACADEMY. WITH THIS CONTINUED NON-COMPLIANCE, THE DANGER FOR THE AVERAGE CUSTOMER AND THE PEDESTRIAN INCREASES. THE APPLICANTS HAVE SAID THAT THEY WOULD PROVIDE VALET PARKING AT T.S.D. THIS PAST MONDAY AND TUESDAY THEY STARTED TO OFFER VALET PARKING AT THE BACK OF THEIR OWN BUILDING. IN DOING SO THEY ELIMINATED FORMERLY FREE OFFSTREET PARKING SPOTS AT THEIR OWN PLACE. THE VALET WAS NOT PRESENT LAST NIGHT, NOR HAVE I SEEN A VALET TODAY. I'M NOT A VALET PARKING EXPERT, BUT I THINK IF THEY WERE LOCATED OUT ON CONGRESS, MAYBE PEOPLE WOULD NOTICE THE VALET. THIS PAST MONDAY, AS I WAS WALKING OUR BOYS DOWN TO THEIR MARTIAL ARTS LESSON, WHICH IS RIGHT BEHIND DOCS ON MUSIC LANE, AN EMPLOYEE WAS PUTTING PYLONS IN THESE PARKING SPACES TO BLOCK THEM OUT SO PEOPLE COULDN'T PARK THERE. I ASKED WHY THEY WERE REMOVING THE PARKING SPACES AND HE SAID THAT IT WAS FOR THE VALET. WHEN ASKED WHY THE VALET WAS NOT USING THE T.S.D. LOTS, HE SAID IT WAS BECAUSE THEY DIDN'T HAVE A LIQUOR LICENSE YET. BUT I SAID YOU ARE SERVING ALCOHOL. AND HE SAID, WELL, WE ARE GIVING BEER AWAY ON MONDAY AND WEDNESDAY, MONDAY THROUGH WEDNESDAY AND WE HAVE GOT A CATERING

AGREEMENT, WE CAN SELL IT THE REST OF THE WEEK. I DON'T FEEL GREAT ABOUT THEM GIVING BEER AWAY NEAR A SCHOOL. I DON'T FEEL GREAT ABOUT THEM GIVING IT AWAY NEAR MY HOUSE. BECAUSE OF THE SAFETY AND TRUST ISSUES I HAVE MENTIONED ABOVE, I OPPOSE GRANTING THIS WAIVER. THEY HAVE NOT COMPLIED TO DATE WITH -- WITH CITY CODE OR REGULATION, THEREFORE THEY HAVE PROVEN THEMSELVES UNTRUSTWORTHY AND SHOULD NOT BE GRANTED THIS WAIVER. THANK YOU.

THANK YOU, SIR.

Clerk Brown: THE NEXT SPEAKER IS CHRIS NEARLY. [INDISCERNIBLE] WHILE HE'S COMING UP, COUNCIL, WE HAVE THREE OTHER CITIZENS SIGNED UP AGAINST, BUT NOT WISHING TO SPEAK. [INDISCERNIBLE] CLAUDETTE AND HUGH LOWELL.

THANK YOU COUNCILMEMBERS, I'M CHRIS [INDISCERNIBLE] A PRIVATE CONSULTANT, I ALSO LIVE OFF SOUTH CONGRESS AVENUE. BASICALLY WHAT WE HAVE HERE IN THIS SITUATION IS THE SAME SITUATION THAT WE HAD TWO YEARS AGO WITH COAL'S ICE HOUSE, 1805 SOUTH FIRST STREET. WHAT I WOULD LIKE TO REQUEST IS THAT THE -- THAT THE WAIVER REQUEST HERE TODAY BE POSTPONED UNTIL THE ESTABLISHMENT COMES INTO FULL COMPLIANCE WITH THEIR CURRENT SITE PLAN. THANK YOU FOR YOUR TIME.

Thomas: THANK YOU, IS THAT ALL AGAINST, MS. BROWN?

Clerk Brown: YES, SIR.

Thomas: WE WILL MOVE TO THE ONES FOR.

Clerk Brown: THE FIRST SPEAKER IS KAREEM AND I THINK THE LAST NAME IS HAJAR?

LADIES AND GENTLEMEN, THANK YOU FOR YOUR TIME THIS EVENING. MY NAME IS KAREEM HAJAR, I REPRESENT DOC'S MOTOR WORKS, 1123 SOUTH CONGRESS, LP. MY INTENTION THIS EVENING WAS NOT TO SPEAK TONIGHT, BOB WOODY WILL BE HANDLING THE WAIVER INFORMATION. I WOULD LIKE

TO ADDRESS SOME OF THE COMMENTS THAT I HAVE HEARD THIS EVENING FROM THE NEIGHBORHOOD ASSOCIATION. FIRST OF ALL, I WOULD LIKE TO AGREE WITH MR. BEVEL, I ALSO WOULD LIKE IT POSTPONED UNTIL WE ARE IN FULL COMPLIANCE WITH THE SITE PLAN. AS OF MONDAY, WE HAVE BEEN IN FULL COMPLIANCE WITH THE SITE PLAN. IT'S NO LONGER AN ISSUE. WE HAVE A CONTRACT WITH THE TEXAS SCHOOL FOR THE DEAF TO PARK AND HAVE BEEN DOING SO SINCE MONDAY. I HAVE -- I HAVE NO PROBLEMS ADMITTING THAT WE HAVE NOT BEEN PARKING THERE UNTIL THIS PRESENT MONDAY. THE REASON BEING IS WE HAVEN'T BEEN FULLY OPERATIONAL. YOU WILL HEAR TONIGHT FROM OTHER SPEAKERS THAT PARKING HAS NOT BEEN A PROBLEM. FOR EVERY TIME THAT I HAVE BEEN THERE, I HAVE ALWAYS PARKED ON CONGRESS WITHOUT A PROBLEM, NO MATTER WHAT THE TIME OR DATE. I WILL ADMIT THERE IS A LOT OF TRAFFIC ON ACADEMY DRIVE. HAVING BEEN THERE DURING ALL TIMES OF DAY AND ALSO EVENING, HE CAN TELL YOU THAT THOSE CARS BELONG TO THE APARTMENT COMPLEX, NOT DOC'S MOTOR WORKS. IF YOU NOTICE DURING THE DAY THOSE CARS ARE NOT THERE. THEY GO THERE AFTER THE BUSINESS HOURS, THEY ARE THERE THROUGH THE EVENING. THOSE ARE VISITORS AT THE APARTMENT COMPLEXES. THEY ARE NOT AT DOCS AFTER MIDNIGHT WHEN WE CLOSE THEY ARE STILL THERE. THERE'S NOBODY AT DOC'S BUT THEY ARE STILL THERE. ON THE WEBSITE, IT DOES SAY LEAVE YOUR CAR AROUND BACK. PER OUR SITE PLAN IF YOU WILL NOTICE IT, THAT'S WHERE WE HAVE OUR VALET PARKING. I DON'T THINK WE NEED TO BE MORE SPECIFIC ABOUT ADVERTISING TOWARDS THE VALET PARKING. IT'S NICE TO HAVE HUMOR, LEAVE YOUR CAR AROUND BACK IS ABOUT AS FUNNY AS WE CAN GET WITHOUT BEING SPECIFIC AND OVERLY TENSE. NONE OF THIS HAPPENS IN A VACUUM, AS ALLEN WARD TOLD US WITH REGARDS TO ALCOHOL BEING SERVED TO MINORS. THOSE -- THE PRINCIPALS AT DOC'S MOTOR WORKS HAVE WELL OVER 50 YEARS IN THE BAR AND RESTAURANT INDUSTRY. OUR GENERAL MANAGER YOU WILL HEAR FROM HIM IN A LITTLE BIT. CHARLES MILLIGAN. HE HAS BEEN A BAR AND RESTAURANT MANAGER SINCE 1989, TO DATE HE HAS NEVER HAD A CITATION FOR MINORS SERVING ALCOHOL ON HIS PREMISES. RESTAURANT POLICE DEPARTMENT KNOWS

THIS, HIS REPUTATION IS A STRICT ENFORCER FROM MINORS CONSUMER ALCOHOL. FURTHERMORE HE MAKES HIS EMPLOYEES HOW TO SPOT A MINOR, HOW TO SPOT A FAKE I.D., HOW TO SPOT AN OVERINTOXICATED PATRON SO THAT WE DON'T HAVE THOSE ISSUES IN THE FUTURE. THE WAIVER THAT'S BEING REQUESTED HAS BEEN REQUESTED FOR A NUMBER OF DIFFERENT REASONS. ONE OF THEM WE REQUESTED A LICENSING COMPANY TO GET US OUR LIQUOR LICENSE. THAT LICENSING COMPANY INFORMED US THAT WE DIDN'T NEED THE WAIVER THAT WE ARE STANDING HERE BEFORE YOU TO GRANT. FLFER WE NEVER TRIED TO DECEIVE THE CITY OF AUSTIN WITH REGARD TO OUR SITE PLAN OR LIQUOR LICENSE. EVERY EFFORT OF NON-COMPLIANCE, WE HAVE STEPPED FORWARD TO ADDRESS THE ISSUE. WE ARE HELPING TO PROVIDE AND BECOME A MORE SEAMLESS PART OF THE COMMUNITY. I THINK IF -- I THANK YOU FOR YOUR TIME, I REQUEST THAT YOU GRANT THE WAIVER, THANK YOU VERY MUCH.

NEXT SPEAKER, BOB WOODY.

Thomas: ANY REASON -- [INDISCERNIBLE] FOR MR. WOODY? CHARLES MILLIGAN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I LIVE NEXT DOOR TO STATEHOUSE AND I JUST WANT TO SAY SINCE THIS PLACE HAS OPENED, WHEN I WAS THERE THE LAST YEAR IT WAS JUST A VACANT AUTO SHOP. AND IT'S REALLY ADDED BEAUTY TO THE NEIGHBORHOOD. AND THESE PEOPLE THAT OWN IT, THEY ARE GOOD PEOPLE. I FIND IT HARD TO BELIEVE THEY ARE NOT TRYING TO BE IN COMPLIANCE WITH WHAT EVERYBODY IS SAYING, BUT THE PARKING, HE'S CORRECT, ALL THE PARKING ON THE SITE HAS ALWAYS BEEN THERE BECAUSE I LIVE THERE, PEOPLE PARK THERE ALL THE TIME. I THINK A BIG PARKING PROBLEM NOW IS ALL THE CONSTRUCTION THEY ARE DOING ON RIVERSIDE, THIS LOOKS A LOT BUSIER THAN IT NORMALLY IS. BUT THIS IS A TRUE ADDITION TO OUR NEIGHBORHOOD AND I THINK IT'S JUST GOOD FOR THE NEIGHBORHOOD. THANK YOU.

Thomas: THANK YOU. NEXT IS --

TED KORAM.

MY NAME IS TED KAREM, THE PRESIDENT OF WATERLOO RESTAURANT GROUP. WE CURRENTLY OWN AND OPERATE SEVERAL BUSINESSES IN AUSTIN. THEY INCLUDE SIX WATERLOO ICEHOUSES, AUSTIN CATERING COMPANIES, DOC'S MOTOR WORKS, AND BEANS COFFEE AND TEA. CURRENTLY WE EMPLOY OVER 400 PEOPLE IN AUSTIN. OVER THE NEXT 12 MONTHS, WE WILL CONSTRUCT FOUR NEW RESTAURANTS AND EMPLOY 200 ADDITIONAL PEOPLE. I'D LIKE FOR YOU TO KNOW THAT WE TAKE PRIDE IN THE FACT THAT WE ALWAYS COMPLY WITH CITY, STATE AND FEDERAL REGULATIONS. WE ARE NOT THE TYPE OF PEOPLE THAT BELIEVE IN ASKING FOR FORGIVENESS INSTEAD OF PERMISSION. ALTHOUGH WE WERE NOT REQUIRED TO DO SO, WE MET WITH THREE SURROUNDING NEIGHBORHOOD ASSOCIATIONS IN ORDER TO DISCUSS ISSUES THEY MIGHT HAVE WITH THE NEW BUSINESS OPENING. WE ADDRESSED ALL OF THEIR CONCERNS AND HAVE BEEN DILIGENT TO ENSURE THAT ALL ISSUES DEALING WITH NOISE, PARKING AND TRASH WILL NEVER BE A PROBLEM. WE GAVE THE HOMEOWNERS OUR BUSINESS, HOME AND CELLULAR PHONE NUMBERS AND TODAY WE HAVE NOT HEARD FROM ANYBODY. DOC'S HAS BEEN IN THE DEVELOPMENT STAGE FOR OVER TWO YEARS. WE OBTAINED ALL OF OUR APPROVALS AND HAVE FOLLOWED ALL COMPLIANCE ISSUES TO THE LETTER OF THE LAW. OVER EIGHT MONTHS PRIOR TO STARTING CONSTRUCTION WE PLACED TWO CALLS TO THE CITY AND SEVERAL TO THE TABC IN ORDER TO DETERMINE WHAT MIGHT BE NEEDED IN ORDER TO OPERATE WITHIN THE 300 FEET IN QUESTION. WE WERE TOLD ON MORE THAN ONE OCCASION THAT ALL WE WOULD NEED IS A LETTER OF SUPPORT FROM THE TEXAS SCHOOL FOR THE DEAF AND NO OTHER ACTION WOULD BE REQUIRED ON OUR PART. THE SUPPORT WE WERE SEEKING FROM THE SCHOOL WAS GIVEN TO US MANY MONTHS AGO AND THE SCHOOL CONTINUES TO BE A VALUABLE SUPPORTER OF OUR RESTAURANT. TWO DAYS BEFORE WE WERE SCHEDULED TO OPEN FOR BUSINESS, WE WERE INFORMED THAT THE CITY COUNCIL WOULD NEED TO MEET AND VOTE ON ISSUING US A WAIVER IN ORDER FOR US TO OBTAIN THE MIXED BEVERAGE LICENSE WHICH WE NEEDED TO OPERATE

OUR BUSINESS. FOR OVER FIVE CRITICAL WEEKS WE'VE BEEN UNABLE TO FULLY UTILIZE THE LOCATION FOR THE PURPOSE IT WAS INTENDED. A SUBSTANTIAL INVESTMENT IS AT RISK AND WE ARE UNABLE TO SURVIVE WITHOUT THIS WAIVER. THANK YOU FOR YOUR CONSIDERATION.

Thomas: THANK YOU, SIR. SIR, LET ME ASK YOU A QUESTION. YOU SAID THAT SOMEONE TOLD YOU ALL YOU NEEDED TO DO IS APPLY, THEN YOU CAN GO INTO BUSINESS.

YES, SIR. IT WAS TOLD TO US BY TWO PHONE CALLS WE MADE TO THE CITY AND TWO PHONE CALLS THAT WERE MADE TO THE TABC THAT ALL WE NEEDED WAS A LETTER FROM THE SCHOOL STATING THAT THEY WERE IN SUPPORT OF US BEING THERE AND THAT'S ALL WE NEEDED. AND WE HAD THAT. AND THEN TWO DAYS BEFORE WE WERE GOING TO OPEN FOR BUSINESS, WE WERE INFORMED THAT WE COULDN'T SERVE ALCOHOL. SO WE'VE BEEN UNDER TREMENDOUS FINANCIAL PRESSURE IN THE LAST FIVE WEEKS. IT'S REALLY BEEN A STRUGGLE FOR US TO PULL THIS OFF.

Thomas: CAN YOU CLARIFY, YOU SAID TABC TOLD YOU THAT OR CITY OF AUSTIN?

BOTH. THERE WAS TWO CALLS MADE TO THE CITY AND A COUPLE CALLS MADE TO THE TABC. I TALKED TO AN ATTORNEY THAT DEALS WITH LICENSING FOR TABC 20 MINUTES BEFORE I ARRIVED HERE. HE DIDN'T KNOW WHAT WAS GOING ON. AND I SAID WHAT DO YOU NEED IN A SITUATION LIKE THAT. HE GETS LICENSES FOR PEOPLE ALL THE TIME. HE GOES I THINK YOU JUST NEED A LETTER FROM THE SCHOOL. THIS HAPPENED 20 MINUTES BEFORE I GOT HERE. SO, YOU KNOW, IT'S -- APPARENTLY IT'S NOT CLEAR TO EVEN THE PEOPLE THAT WORK AT THE CITY OR THE TABC.

Thomas: OKAY. WE'LL ASK THE CITY TO EXPLAIN THAT ONCE WE GET THROUGH WITH THE SPEAKERS. CLARIFY WHAT YOU JUST SAID. NO, AFTER THE SPEAKERS. THANK YOU, SIR.

BOBBY PERRY.

GOOD EVENING, COUNCIL. I'M HERE ON BEHALF OF DOC'S MOTOR WORKS FOR THEIR WAIVER. I'VE LIVED IN THE NEIGHBORHOOD FOR ABOUT FIVE AND A HALF YEARS. AND SEEN A LOT OF CHANGE ON SOUTH CONGRESS. SOME I AGREE WITH, SOME I DON'T. THIS IS ONE I CLEARLY AGREE WITH. I THINK IT'S BEEN A REAL POSITIVE THING FOR THE NEIGHBORHOOD. THEY'VE ESSENTIALLY TURNED ACCRUEDY OLD GARAGE WITH BROKEN DOWN CARS INTO A PLACE WHERE NEIGHBORS CAN COME AND I'VE ACTUALLY MET MORE NEIGHBORS PROBABLY IN THE LAST FEW WEEKS THAT I WOULD HAVE NEVER MET HAD IT NOT BEEN OPEN THAN OTHERWISE. AND I JUST THINK IT'S A POSITIVE THING FOR THE NEIGHBORHOOD AND I THINK IT'S A GOOD CHANGE AND I HOPE YOU VOTE FOR THE WAIVER. THANK YOU.

Thomas: THANK YOU, SIR.

DALLAS CISCO IS THE LAST SPEAKER SIGNED UP FOR AND WISHING TO SPEAK. THEN WE HAVE ONE OTHER SPEAKER, THERESA GRIFFIN -- NOT A SPEAKER, NEUTRAL AND NOT WISHING TO SPEAK.

I'VE BEEN IN THE NEIGHBORHOOD FOR ABOUT 20 YEARS AND I ALSO WORK AT [INAUDIBLE] TACO BAR AND I WELCOME THESE GUYS. THIS HAS BEEN A WONDERFUL THAT HAPPENED TO THE NEIGHBORHOOD. I MOVED IN WHEN THERE WERE PROSTITUTES AND ALL KINDS OF UGLY THINGS HAPPENING AND THEY ARE A BREATH OF FRESH AIR AND I HOPE YOU CONSIDER THE WAIVER.

YOUR LAST SPEAKER IS BOB WOODY.

Thomas: YES, MR. WOODY.

THANKS FOR ALLOWING ME TO SPEAK THIS EVENING. MAYOR PRO TEM AND COUNCIL. AN ALCOHOL BEVERAGE WAIVER IS AN OPPORTUNITY FOR A SCHOOL OR SOMEONE IN THAT DISTANCE FROM AN ORGANIZATION THAT'S GOING TO PROVIDE ALCOHOL TO COME FORTH AND VOICE COMPLAINTS. IT ALLOWS THEM TO CONTROL WHAT GOES ON NEAR THEM. THIS WAIVER WHICH WE ARE ASKING FOR THIS EVENING IS SPECIFIC TO THE REASON WE'RE ON THE AGENDA TONIGHT. PARKING ISSUE IS OBVIOUSLY

SOMETHING THAT'S BEEN DISCUSSED AND TALKED ABOUT, BUT TRUTHFULLY WE ARE HERE, AS IT SAYS ON HERE, SPECIFICALLY FOR A WAIVER TO SERVE ALCOHOL WITHIN A DISTANCE FROM A SCHOOL. AS WE HAVE SAID ALREADY AND MULTIPLE TIMES WE HAVE THE APPROVAL OF THE SCHOOL TO DO THIS. THEY WELCOME US TO THE NEIGHBORHOOD. AND WE'VE PROVIDED A LETTER IN REGARDS TO THAT. THE WAIVER SHOULD BE GRANTED FOR THE REASON THAT THE SCHOOL IS OKAY FOR US TO BE THERE. IF THE SCHOOL DID NOT WANT US THERE, THEY WOULD BE HERE TONIGHT VOICING THAT COMPLAINT. THEY APPRECIATE THE FACT THAT WE EMPLOY STUDENTS AS WELL AS THE MONEY THAT WE'VE PROVIDED THEM. WE WILL BE A GOOD NEIGHBOR TO THEM, AND THEY ARE IN FAVOR OF US HAVING THIS WAIVER. THAT'S THE SPECIFIC REASON IT'S ON THE AGENDA, AND CERTAINLY WE SEGUE AND TALK ABOUT OTHER THINGS AND THIS IS NOT TO FORMAL WE CANNOT DO THAT. I CERTAINLY IN THAT, APPRECIATE IT, BUT IT IS SPECIFIC TO WHAT WE'RE ASKING FOR TONIGHT IS THE COMPLIANCE TO THE WAIVER WHICH IS WHY IT'S ON THE AGENDA. SO I'VE GOT A LOT OF OTHER THINGS WE COULD SAY IN REGARDS TO TALK THAT'S BEEN GOING ON THIS EVENING, BUT IN THE END OF THE DAY, THAT'S WHY WE'RE HERE. THANK YOU.

Thomas: THANK YOU, MR. WOODY. YOU HAD A MINUTE, BUT -- YOU DID HAVE A MINUTE. [LAUGHTER] I'LL GIVE YOU A MINUTE IF YOU NEED TO TALK.

I'LL USE THAT MINUTE IN THE FUTURE. THANK YOU, MR. THOMAS.

Thomas: ALL RIGHTY. ALL RIGHTY. ARE THERE ANY OTHER SPEAKERS AGAINST OR FOR? I THINK WE'VE HEARD EVERYBODY. WILL YOU GO AHEAD AND -- NEED YOU TO ADDRESS THE COMPLAINT ABOUT THE WRONG INFORMATION AND WHAT THE PROCEDURES ARE.

I'D LIKE TO BRING CLARITY TO TWO ISSUES THAT ARE GERMANE. ONE IS THE SITE PLAN AND WHETHER OR NOT IT'S IN COMPLIANCE AND THE PROCESS THE APPLICANT WENT THROUGH TO GET THEIR SITE PLAN. THEN THE SECOND IS THE ALCOHOL SITUATION. IN REGARDS TO SITE PLAN, THE SITE PLAN WAS ISSUED AND APPROVED AND

THEY BEGAN OPERATION AND IT BECAME KNOWN TO US THAT THEY WERE NOT IN COMPLIANCE WITH THEIR SITE PLAN BECAUSE OF AN ADJUSTMENT MADE TO THEIR OFF-SITE LEASE AGREEMENT THAT REQUIRED VALET PARKING OFF SITE. FOR THEM TO COME INTO COMPLIANCE, THEY WOULD HAVE TO PROVIDE ON SITE VALET SERVICE. THAT'S WHY THEY SAID SOMETHING AROUND A SIGN PARK AROUND BACK. IN ORDER TO FORMALLY COME INTO COMPLIANCE, THEY HAD TO MAKE A CORRECTION TO THEIR SITE PLAN, AND THAT WAS INDICATED -- THEY WERE INFORMED OF THAT BY CITY STAFF THIS PAST WEEK. THEY SUBMITTED A CORRECTION YESTERDAY. IT HAS BEEN PROCESSED AND APPROVED AS OF TODAY. SO IN ERPLS TERMS OF THEIR PAPERWORK AND THE SITE PLAN AND THE PERMIT THAT'S ISSUED THEY ARE IN COMPLIANCE. THE SECOND ITEM AND ONE THAT REALLY TOOK ANALYSIS BY STAFF IS WHETHER OR NOT THEY WERE LEGALLY SELLING ALCOHOL SINCE THE RESTAURANT HAS BEEN OPENED WITHIN THE PAST MONTH. WE HAD HEARD REPORTS THAT THEY WERE SELLING ALCOHOL WITHOUT THE WAIVER. WE WERE VERY CONCERNED. WE INVESTIGATED AND INDEED THEY WERE SELLING ALCOHOL. IN FACT, WE SENT THEM A LETTER SAYING THEY SHOULD NOT BE DOING. THAT LATER ON WE WERE INFORMED THAT DOC'S MOTOR WORKS WAS ACTUALLY UNDER A -- SELLING ALCOHOL UNDER A CATERER'S LICENSE THAT WAS UNDER THE NAME OF A DIFFERENT RESTAURANT AND APPARENTLY THROUGH THAT CATERING LICENSE YOU CAN SELL ALCOHOL OFF SITE FOR A TEMPORARY NUMBER OF DAYS AND HOURS. AND ESSENTIALLY THAT LICENSE WAS HELD BY THE OLD PECAN STREET CAFE. SO IN ESSENCE WE LOOKED THROUGH THAT HISTORY AND SAW THAT THEY HAD TAKEN OUT A CATERER'S LICENSE AT THE TABC AND RENEWED IT AND RENEWED IT AND RENEWED IT. SO IN ESSENCE, THEY WERE ABLE TO SELL ALCOHOL THROUGH THE TABC. THE NEXT QUESTION WAS WHETHER OR NOT THAT SUFFICED FOR THEM TO MEET OUR LAND DEVELOPMENT CODE, AND WE DID ADDITIONAL INVESTIGATIONS. WE DISCUSSED THAT WITH THE LAW DEPARTMENT. AND AS IDENTIFIED IN SECTION 4-9-4, THE PROHIBITION AGAINST SELLING WITHIN 300 FEET OF A SCHOOL IS IS EXCEPTED IF THEY HAVE A TABC LICENSE. WE CONTACTED THE TABC TO SEE IF DOC'S MOTOR WORKS

COULD HAVE THE BENEFIT OF A INDICATERER'S LICENSE AND THEY SAID IT WAS LEGAL. BECAUSE IT WAS IN ACCORDANCE WITH THE TABC, THEN OBVIOUSLY THEY MET THAT EXCEPTION IN OUR CODE. SO THE TABC CATERER'S LICENSE, EVEN THOUGH IT WAS IN A DIFFERENT COMPANY'S NAME, IT ALLOWS FOR OFF-SITE SALES AND THEY COULD COVER IT. THOSE CATERER'S LICENSE ARE ONLY FOR A SHORT PERIOD OF TIME AND THEY HAVE TO BE RENEWED. IN OUR DISCUSSIONS WITH TABC AND WE INFORMED THEM THERE WAS AN ALCOHOL WAIVER ON AGENDA TONIGHT, THEY SAID IF FOR ANY REASON COUNCIL DENIED THE WAIVER, THEN THEY WOULD TAKE THAT INTO CONSIDERATION AS THEY RENEWED THE CATERER'S LICENSE. BUT AT THE SAME TIME THEY SAID IF THE COUNCIL APPROVED THE WAIVER, THEN THEY WOULD ISSUE A REGULAR LICENSE. SO IN ESSENCE AS FAR AS THE SITE PLAN IS CONCERNED, THEY WERE OUT OF COMPLIANCE. STAFF INFORMED THEM OF WHAT WOULD BE NEEDED TO COME BACK INTO COMPLIANCE. THEY DID SOME SITE PLAN CORRECTION. WE HAVE PROCESSED THAT AND JUST TODAY IDENTIFIED THAT AS BEING IN COMPLIANCE AND HAVE REISSUED A PERMIT OR APPROVAL ON THE CORRECTION. IN TERMS OF THE SALE OF ALCOHOL, WE WERE VERY CONCERNED ABOUT THE LAND DEVELOPMENT CODE. EVEN THOUGH THERE WAS A TABC PERMIT. AGAIN, GOING BACK TO OUR CODE, IT PROVIDES THAT THAT PROHIBITION ON 300 FEET IS ACCEPTED AS PROVIDED BY THE TABC. IN FACT, YOU SHOULD HAVE SOME INFORMATION IN YOUR BACKUP.

Thomas: COUNCILMEMBER HREFING WELL.

Leffingwell: I WANT TO ASK YOU A COUPLE QUESTIONS THAT WERE RAISED EARLIER BY ONE OF THE PEOPLE SPEAKING AGAINST, ONE OF THE NEIGHBORHOOD PEOPLE. THEY SAID THAT -- I THINK I UNDERSTOOD THAT IT WOULD BE MINIMALLY ACCEPTABLE WITH THE CONDITION THAT THEY COMPLY WITH VALET PARKING REQUIREMENTS. I'M NOT SURE I UNDERSTAND WHAT THAT IS.

THE OFF-SITE LEASE AGREEMENT WAS MODIFIED, THE OFF-SITE PARKING AGREEMENT WAS MODIFIED TO PROVIDE VALET PARKING OFF SITE. WELL, IF THEY ARE GOING TO PROVIDE OFF-SITE VALETER IS VICIOUS THEY ARE

REQUIRED ALSO TO PROVIDE ON-SITE VALET SERVICE AND THEY WERE NOT DOING THAT. IN ESSENCE HAD TO DO A CORRECTION TO THE SITE PLAN TO FACILITATE THAT AND THAT'S WHY THEY HAD TO COME IN FOR A CORRECTION.

SO THEY ARE IN COMPLIANCE WITH THAT AT THIS TIME.

YES, THEY ARE.

Leffingwell: THEN THE SECOND WAS THAT THEY NOT BE ISSUED A LATE HOURS ALCOHOL PERMIT. I'M NOT SURE I KNOW WHAT THAT IS AND COULD I EXPLAIN THAT TO ME.

I'LL TURN IT OVER TO OUR ALCOHOL EXPERT. [LAUGHTER]

Leffingwell: SOUNDS LIKE SOME MIGHT BE OPPOSED TO.

LOOSE I GALA THAN. THE CURRENT SITE PLAN ONLY ALLOWS THEM TO SERVE ALCOHOL UNTIL MIDNIGHT. THEY CANNOT SERVE ALCOHOL PAST MIDNIGHT.

Leffingwell: SO THERE EVIDENTLY IS SOME KIND OF PERMIT THAT THEY CAN APPLY FOR --

THEY WOULD HAVE TO COME BACK TO THE CITY AND GO THROUGH A WHOLE SITE PLAN PROCESS AGAIN FOR LIGHT-NIGHT PERMIT, CONDITIONAL USE PERMIT WOULD BE REQUIRED SO IT'S A WHOLE OTHER PROCESS THEY HAVE TO GO THROUGH IF THEY CHOSE TO DO THAT.

Leffingwell: OKAY. ARE YOU THE ATTORNEY FOR THE CITY OR -- OKAY. FOR THE CITY. MY QUESTION IS GOING TO BE IF THE WAIVER WERE APPROVED, COULD THE DENIAL OF A REQUEST FOR ISSUANCE OF A LATE HOURS PERMIT BE PART OF THE WAIVER? COULD THE WAIVER BE CONDITIONED ON THAT?

MICHAEL TERRY, ASSISTANT CITY ATTORNEY. NO, IT CANNOT. WHAT IS PROPERLY BEFORE YOU TONIGHT IS THE DISTANCE WAIVER. THAT IS WHAT YOU ARE REQUIRED TO RULE ON. HOWEVER, WHAT I WILL TELL YOU IS IS THAT BECAUSE THEY ARE NOT AUTHORIZED TO DO IT NOW AND IF THEY DESIRE TO DO IT, THEY WOULD HAVE TO GO THROUGH

A CONDITIONAL USE PERMIT PROCESS. THAT IS A COMMISSION APPROVED SITE PLAN WHICH CAN BE APPEALED BY A INTERESTED PARTY TO COUNCIL. SO IN OTHER WORDS, IF THE CONDITIONAL USE PERMIT WAS GRANTED BY THE COMMISSION, WHETHER IT'S THE ZONING AND PLATTING COMMISSION OR WHETHER IT'S THE PLANNING COMMISSION, DEPENDING ON WHO HAS JURISDICTION, IF THAT PERMIT WAS GRANTED AND THE NEIGHBORHOOD WISHED TO APPEAL THAT DECISION TO COUNCIL, THE COUNCIL WOULD HAVE THAT BEFORE IT.

Leffingwell: THANK YOU.

MAYOR PRO TEM, TO ANSWER YOUR QUESTION, THE APPLICANT DID RECEIVE MORE INFORMATION WHEN THEY CAME IN THE FIRST TIME THAT THEY WERE INFORMED THEY SHOULD HAVE GOTTEN THE LETTER BUT THEY WERE NOT INFORMED IT WAS ALSO A COUNCIL PROCESS.

Thomas: OKAY. THANK YOU. COUNCILMEMBER DUNKERLEY COUNCILMEMBER DUNKERLEY ARE THEY NOW IN COMPLIANCE WITH THEIR PARKING ISSUES ON THE SITE PLAN?

THEY HAVE AN APPROVED SITE PLAN AND IT'S OUR UNDERSTANDING THEY ARE IN COMPLIANCE. OF COURSE, THAT'S ON A DAY DAY-TO-DAY BASIS. THAT WILL NEED TO BE LOOKED AT TO MAKE SURE THAT THE VALET SERVICE IS BEING PROVIDED BOTH ON SITE AND OFF SITE.

Dunkerley: THANK YOU.

Thomas: ALL RIGHTY, ANY OTHER QUESTIONS FROM STAFF? COUNCILMEMBER KIM.

Kim: MR. BATTALION, THE USE OF CATERER'S PERMIT FOR OFF-SITE SERVICE OF ALCOHOLIC BEVERAGES, YOU EXPLAINED THAT THEY CAN BE USED ON A TEMPORARY BASIS. IS THERE ANY LIMIT TO RENEWALS? BY TABC?

WHAT TYPE OF LIMITS DO YOU HAVE IN MIND? IN TERMS OF THE LENGTH?

RIGHT.

I BELIEVE THE LONGEST THEY CAN GO IS SEVEN TO TEN DAYS. DO YOU WANT TO ANSWER THAT? OR MARCY.

COUNCILMEMBER KIM, I DID ALL THE RESEARCH AND TALKED TO THE TABC AND THEY CAN GO FOR 10 DAYS. WHAT THEY DID WAS EVERY WEEK THEY RENEWED THEIR CATERER'S LICENSE FOR THIS PARTICULAR LOCATION.

Kim: IS THERE A LIMIT TO HOW MANY TIMES SOMEONE CAN RENEW?

IT WAS NOT INDICATED TO ME THERE IS WAS, HOWEVER, THE TABC SPOKESPERSON TOLD ME THAT IF THERE WAS A -- IF THE CITY HAD A PROBLEM WITH THIS CATERER'S LICENSE BEING USED AT THIS LOCATION, THAT A FORMAL LETTER WOULD BE SERIOUSLY CONSIDERED BY THEM WITH REGARD TO GRANTING ANY MORE SUCH CATERER'S PERMITS FOR THIS LOCATION.

Kim: I GUESS IT'S A LARGER ISSUE, NOT JUST ABOUT THIS CASE BUT IS THIS GOING ON IN THE REST OF THE CITY? IS THIS SOMETHING THAT PEOPLE ARE USING CATERER'S LICENSES TO SERVE ALCOHOLIC BEVERAGES WHEN HE THEY DON'T HAVE APPROPRIATE ZONING? I'M NOT PERSONALLY AWARE OF ANOTHER SITUATION. I'M NOT SAYING THERE AREN'T OTHERS, BUT THIS IS THE FIRST I'VE SEEN IT.

I WOULD BE HAPPY TO DO RESEARCH INTO THAT.

Kim: I WANT TO KNOW IS THIS A LOOPHOLE AND IF SO, I MEAN WE AS A COUNCIL, I THINK WE NEED TO ADDRESS THIS. BUT THIS IS THE FIRST TIME IT'S BEEN BROUGHT TO ME. IT'S MAKING ME PAUSE. SO THANK YOU.

DID YOU WANT ME TO -- DO YOU NEED MORE INFORMATION, MS. KIM? WHEN THE -- WHEN THE TABC HAS ACCEPTED APPLICATION FOR A LIQUOR LICENSE AND THAT INFORMATION HAS BEEN TRANSFERRED AND GIVEN TO THE TABC, THE STATE ALLOWS A LIENSED CATERING COMPANY TO GO TO THAT PROPERTY AND TO CATER. ALCOHOL SALES

THEN GO BACK TO THE OTHER -- GO BACK TO THAT ORIGINAL CATERER'S PERMIT TO THAT BUSINESS, AND THAT GOES ON ON A REGULAR BASIS. WHEN THE LICENSE IS PREPARED, THE LICENSES -- I'M SORRY WHR-RBGS THE APPLICATION IS PREPARED, THE LICENSE IS NOT READY FOR A PERIOD OF MAYBE THREE WEEKS. AND SO DURING THAT TIME YOU ARE ALLOWED TO OPEN BECAUSE YOU'VE ALREADY PAID YOUR FEES AND YOU WILL BE ABLE TO SERVE ALCOHOL ON THAT PROPERTY. THAT'S HOW IT WORKS IN TEXAS.

Kim: WELL, CAN I ASK YOU DO YOU GET A COMMISSION ON THE ALCOHOL SALES? I UNDERSTAND ANOTHER BUSINESS IS GETTING THE REVENUE FROM ALCOHOL SALES, BUT IS YOUR BUSINESS GETTING ANY REVENUE FROM THAT?

WELL, MY BUSINESS HAPPENS TO BE THE ONE CATERING THERE. AND --

Kim: THE SAME BUSINESS.

YES, MA'AM.

Kim: SAME BUSINESS?

TWO SEPARATE BUSINESSES.

Kim: TWO SEPARATE CORPORATE ENTITIES?

YES, MA'AM. WE'RE THERE OPERATING -- WE'RE OPERATING ON THEIR PROPERTY. AS THE OLD PECAN STREET CAFE IS THERE OPERATING AS THE SELLER OF ALCOHOLIC BEVERAGES ON THAT PROPERTY DURING THAT TIME. THAT'S WHAT'S GOING ON WHEN WE CATER THERE. SO THE REVENUE DOES NOT GO TO DOC'S. THE REVENUE GOES TO THE CATERER.

I THINK I CAN CLARIFY. IN AN EFFORT TO TRY TO HAVE HEALTHY PATRONAGE AT THE RESTAURANT, WE HAVE OLD PECAN STREET CAFE CATERING ALCOHOL AND HREUGER SALES SO WE CAN AT LEAST SHOW OUR CUSTOMERS THAT WE ARE A FULL-SERVICE BAR -- I'M SORRY, A FULL-SERVICE RESTAURANT THAT ALSO HAS ALCOHOL SALES. THOUGH

UNTIL WE HAVE THE LIQUOR LICENSE IN HAND, WE CANNOT
SELL IT. SO THAT'S WHY OLD PECAN STREET CAFE IS TAKING
THAT SERVICE FROM US.

Thomas: FOR THE RECORD, SIR, WHY DON'T YOU STATE
YOUR NAME.

KAREEM PAJAR.

Thomas: THANK YOU. COUNCILMEMBER DUNKERLEY. TKUPG
DUNG I WANT

Dunkerley: I WANT TO FOLLOW UP AND MAKE SURE. WOODY,
IF I UNDERSTOOD THIS, A COMPANY HAS APPLIED FOR A
LIQUOR LICENSE AND IT'S BEING PROCESSED, THERE'S A
TIME LINE THERE.

YES, MA'AM.

Dunkerley: DURING THAT TIME LINE, A INDICATESERER SUCH
AS PECAN STREET CAN COME IN AND DO THAT LIQUOR
SALES UNTIL THEY RECEIVE THEIR LICENSE.

UNTIL THE PHYSICAL PAPER ARRIVES, YES, MA'AM. THEN
THAT PAPER TAKES THE PLACE OF WHAT WE WERE DOING
THERE.

Dunkerley: SO THAT'S JUST RELATIVELY COMMON PRACTICE
IN TEXAS.

IT IS VERY MUCH, YES, MA'AM.

Thomas: ANY OTHER QUESTIONS? COUNCILMEMBER
ALVAREZ.

Alvarez: YOU HAD MENTIONED SOMETHING ABOUT A
CONDITIONAL USE PERMIT, I BELIEVE. OR WAS THAT --

I THINK IT WAS IN REFERENCE TO A LATE HOURS ALCOHOL --

Alvarez: SO THAT RELATE TO -- BECAUSE I NOTICE THAT IT'S
ZONED CS, THE PROPERTY IS, AND IF YOU HAVE A
RESTAURANT, YOU ARE ABLE TO SELL ALCOHOL THERE, YOU

KNOW, SEEMING -- OR SEEMING THAT MORE THAN 50% OF THE REVENUES AREN'T BEING RECEIVED FROM ALCOHOL SALES. AND SO WHERE DOES THE HE CONDITIONAL USE PERMIT COME IN.

MARTY, CORRECT ME IF I AM WRONG, BUT IT COMES IN WHEN THE OWNER PROPOSES TO SELL ALCOHOL PAST MIDNIGHT FOR A LATE-HOURS PERMIT, WHICH WOULD BE A CONDITIONAL USE WITHIN THAT ZONING CATEGORY AND THEY WOULD BE REQUIRED TO GET A CONDITIONAL USE PERMIT

Alvarez: IF THIS ESTABLISHMENT WANTED TO GO PAST MIDNIGHT, THEY WOULD HAVE TO GO THROUGH THAT PROCESS. OKAY. WE MIGHT BE HEARING THIS CASE AGAIN IN A FEW MONTHS. I GUESS THAT IS POSSIBLE STILL STILL. AND SO -- BUT RIGHT NOW OTHER THAN THIS WAIVER, WITH THE ZONING THAT THEY HAVE, THEY ARE ABLE TO OPERATE A RESTAURANT BASICALLY?

WITH THE WAIVER THEY CAN ALSO SELL ALCOHOL, YES.

Mayor Wynn: ANYONE ELSE? IF NOT --

Thomas: ANYONE ELSE? IF NOT, DID YOU WANT -- OPEN UP WITH A MOTION. LET ME SPEAK FROM THE FLOOR, IF YOU DON'T MIND. IT HAS NOTHING TO DO WITH DOC'S, DOC'S MOTOR WORKS, BUT I THINK FOR THE SIX YEARS THAT ANY WAIVER I DON'T SUPPORT ANYWAY. IF IT'S 300 FEET FROM A SCHOOL OR A CHURCH. SO NOTHING AGAINST YOU, SIR, BUT I WON'T BE ABLE TO SUPPORT THE MOTION. ANY OTHER QUESTIONS, OPEN FOR A MOTION. I'M OPEN FOR A MOTION. OH, YOU WANT TO SPEAK? GO AHEAD, COUNCILMEMBER McCracken.

McCracken: WELL, I'LL JUST -- I'M GOING TO MAKE A MOTION AND I'M GOING TO EXPLAIN WHY I'M DOING THIS. THE -- ONE OF THE THINGS WE DISCOVERED IN WHAT WE DO IS THAT ON JUST ABOUT EVERY ACCOUNT THE DECKS ARE STACKED AGAINST LOCAL BUSINESSES. YOUR NATIONAL CHAINS HAVE A PROTOTYPE BUSINESS THEY CAN USE. THEY CAN PUSH A BUTTON AND SOME GUY IN ILLINOIS CAN SHOOT THE SITE PLAN AND THE PARKING PLAN AND THEY CAN GO CALL THE

LAWYER IN NEW YORK AND THEY CAN TURN AROUND THE ALCOHOL PERMIT. AND THEY GO BUILD A NEW BUILDING, THEY DON'T DEVELOP EXISTING STUFF SO THAT'S A LOT EASIER. SO THERE ARE A LOT OF ROADS TO CLIMB TO HAVE LOCAL PLACES THAT GIVE THE COMMUNITY A DISTINCT IDENTITY. AND SO WE HAVE TO -- WE REALLY HAVE TO MAKE SURE WE'RE LOOKING OUT FOR OUR LOCAL BUSINESS OWNERS BECAUSE IF WE DON'T, NO ONE ELSE WILL, RIGHT? AND THEY DON'T HAVE ALL THESE ADVANTAGES COMING IN THAT THE BIG NATIONAL BOYS DO. MY EXPERIENCE FROM WORKING IN RESTAURANTS FOR THREE YEARS IS WHAT I LEARNED ABOUT THE ECONOMICS OF THEM IS THAT IT IS REALLY EXTREMELY DIFFICULT FOR A RESTAURANT TO MAKE IT IF IT CAN'T SELL ALCOHOL. NOT TO MENTION THERE'S NOT AN OVERABUN ABUNDANCE, BUT THERE ARE A FEW RESTAURANTS ON SOUTH CONGRESS THAT SELL ALCOHOL. FINALLY ONE OF THE THINGS WE'VE BEEN TRYING TO ENCOURAGE FROM URBAN PLANNING STANDPOINT IN THIS COMMUNITY IS SHARED PARKING. AND THERE'S A REASON FOR IT. BECAUSE WE HAVE A PARKING ORDINANCE THAT IS A BIG GENERATOR OF SUBURBAN SPRAWL BECAUSE WE REQUIRE TOO MUCH PARKING, IN MY OPINION, AND WE REQUIRE EVERYBODY TO INDIVIDUALLY PROVIDE TOO MUCH PARKING WHICH MEANS WE HAVE □□ THESE BIG OCEANS OF ASPHALT WE DON'T NEED. SO WHEN WE HAVE A LOCAL BUSINESS, DOING REDEVELOPMENT, WHICH IS ONE OF THE HARDEST THINGS TO DO, AND IS DOING SHARED PARKING WHICH WE'RE TRYING TO ENCOURAGE AS A COMMUNITY, I THINK WE'RE ON THE RIGHT PATH. THIS IS THE KIND OF STUFF WE'RE TRYING TO ACHIEVE IN THE COMMUNITY. AND FINALLY I HEAR FROM FOLKS IN THE NEIGHBORHOOD, I'M FAMILIAR WITH ACADEMY DRIVE, IT WAS A CROWDED STRONG LONG BEFORE DOC'S KAPL ALONG. I'M GOING TO MOVE TO GRANT THE WAIVER OF MINIMUM DISTANCE REQUIREMENT.

MAYOR PRO TEM? COULD YOU CLOSE THE PUBLIC HEARING?

Thomas: YOU'RE RIGHT. YOU'RE RIGHT. WHY DON'T YOU MAKE THAT MOTION AND I'LL KHROE CLOSE THE PUBLIC HEARING.

McCracken: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND

MOVE TO GRANT THE WAIVER.

Thomas: IT'S BEEN MOVED BY COUNCILMEMBER McCracken. NEED A SECOND.

Alvarez: I'LL SECOND.

Thomas: SECONDED BY COUNCILMEMBER ALVAREZ. ANY QUESTIONS, ANY DISCUSSION? COUNCILMEMBER HREFING LEFFINGWELL.

Leffingwell: FROM WHAT I HEARD FROM THE NEIGHBORHOOD, THE NEIGHBORHOOD THAT BASICALLY OWNS THIS SITE WAS THAT THEY WOULD FIND IT ACCEPTABLE WITH ON-SITE VALET PARKING REQUIREMENTS BEING COMPLIED WITH AND I HEARD THE DIRECTOR OF WATERSHED PROTECTION DEVELOPMENT REVIEW SAID THAT WAS THE CASE SO THAT'S CURRENTLY THE CASE. AND I'M SATISFIED WITH THE -- WITH THE PROVISION IN ORDER TO GET A LATE-HOURS PERMIT THEY WOULD HAVE TO REAPPLY AND GET A CONDITIONAL USE PERMIT. THAT COUPLED WITH THE FACT THAT THE DEAF SCHOOL IS SUPPORTIVE OF THIS REQUEST, I'LL BE VOTING IN FAVOR OF THE MOTION.

Thomas: COUNCILMEMBER KIM.

Kim: THIS CASE KIND OF RAISED A LARGER ISSUE ABOUT THE WHOLE TEMPORARY LICENSE FOR SELLING ALCOHOL THROUGH A CATERING BUSINESS, AND SO I WANT US TO LOOK INTO THAT. I WANT MORE INFORMATION ON THAT. BUT WITH THE PARTICULARS OF THIS CASE AND FROM WHAT I'VE HEARD AND SEEN, IT SEEMS THAT BUSINESS WAS DOING EVERYTHING IN COMPLIANCE WITH THE LAW, WAS WORKING WITH THE NEIGHBORHOOD, HAS GOTTEN THE -- I GUESS THE OKAY FROM THE SCHOOL, SO I THINK THAT IN THIS CASE IT'S COMPATIBLE WITH THE NEIGHBORHOOD AND, YOU KNOW, I DON'T KNOW WHAT KIND OF PLANS WE'LL HAVE LONG TERM FOR PARKING IN THE AREA BECAUSE THAT IS A SIGNIFICANT PROBLEM THERE FOR THE NEIGHBORS WHO LIVE IN THOSE RESIDENTIAL AREAS AS WELL AS THE BUSINESSES THEMSELVES FOR SOME SORT OF COOPERATE I HAVE AGREEMENT FOR PROVIDING PARKING. THAT IS SOMETHING WE AS A COUNCIL I THINK SHOULD DEVOTE SOME TIME TO.

SO -- BUT IN THIS CASE I WILL BE SUPPORTING THE MOTION FOR THE WAIVER. THANKS.

Thomas: ANYBODY ELSE? READY TO VOTE? ALL IN FAVOR?

AYE.

Thomas: OPPOSED? NO. MOTION PASSES BY 5 TO 4 AND 1 AGAINST. NEXT WILL BE -- WE'LL DO ITEM 50 IF WE CAN GET THAT OUT OF THE WAY, STAFF CAN MAKE A BRIEF PRESENTATION. THEN WE'LL TAKE ITEM 50 AND MOVE TO THE NEXT. ITEM 50 IS DEALING WITH APPROVE A SETTLEMENT AGREEMENT RELATED TO THE DRAINAGE ON THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF PLEASANT VALLEY AND ELMONT DRIVE IN TUFT. , TEXAS.

MISSY COTTON, ASSISTANT CITY ATTORNEY. THIS IS THE SETTLE AGREEMENT WITH KENMAR AND [INAUDIBLE] WHICH WILL SETTLE THIS ISSUE REGARDING THE DRAINAGE FOR THE PROPERTY OF THE NORTHEAST CORNER OF PLEASANT VALLEY AND ELMONT DRIVE, AMOUNT NOT TO EXCEED \$200,000.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. ITEM 50.

Thomas: 50.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 50.

MOVE APPROVAL.

SECOND.

Mayor Wynn: COUNCILMEMBER McCracken moves to close the public hearing and approve item number 50. seconded by the Mayor Pro Tem. further comments? Ms. Terry. all in favor please say aye. opposed? motion passes on vote of 7 to 0. thank you, Mayor Pro Tem. a handful of annexation public hearings. thank you, Mayor Pro Tem. a handful of annexation public hearings. I don't think we had any citizens signed to speak. we can get a

SERIES OF STAFF PRESENTATIONS, WE'LL WALK THROUGH THESE QUICKLY.

THANK YOU, GOOD EVENING, VIRGINIA COLLIER. ITEM NUMBER 58, THIS IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE PROPOSED MANOR TRACT ANNEXATION. THE SECOND HEARING SCHEDULED FOR NEXT THURSDAY, OCTOBER 27. ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR NOVEMBER 17. MOMENT MOMENT[ONE MOMENT PLEASE] I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE AT THIS TIME.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS THIS REGARDING THE FULL-PURPOSE ANNEXATION OF THE MANOR TRACT? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER McCRACKEN THAT I'LL SECOND TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTIONS PASS ON A VOTE OF 7-0.

ITEM 59, THE FIRST OF TWO PUBLIC HEARINGS FOR THE PROPOSED CITY OF AUSTIN PARK LAND ANNEXATION AREAS. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, OCTOBER 27. ORDINANCE READINGS ARE TENTATIVELY SCHEDULED NOVEMBER. THIS INCLUDES 496 ACRES IN TRAVIS COUNTY. THESE AREAS CONTAIN LARGE UNDEVELOPED TRACTS OF CITY PARK LAND. COPIES OF THE SERVICE PLAN ARE AVAILABLE FOR THIS AREA THIS EVENING. I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE AT THIS TIME.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL, COMMENTS? ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS US REGARDING THIS PUBLIC HEARING FULL PURPOSE TPHAERBGSZ OF CITY OF CITY OF AUSTIN PARK LAND AREAS AS OUTLINED EARLIER? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVED.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER

DUNKERLEY, SECONDED BY KPH-G TO CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

ITEM NUMBER 60, THIS IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE PROPOSED RANCHO ALTO ANNEXATION AREA. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, OCTOBER 27. ORDINANCE READINGS TENTATIVELY SCHEDULED NOVEMBER 17th. THIS AREA INCLUDES APPROXIMATELY 83 ACRES AND IS LOCATED IN TRAVIS COUNTY SOUTH OF FRATE BARKER ROAD. APPROXIMATELY 3/10 OF FREIGHT PARKER AND MANCHACA. THE AREA IS THE SITE OF THE PROPOSED RANCHO ALTO SUBDIVISION. COPIES OF THE SERVICE PLAN ARE LOCATED ON THE TABLE BEHIND ME THIS EVENING. AND THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS US REGARDING THIS FULL-PURPOSE ANNEXATION OF THE RANCHO ALTO AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER HREFINGLEFFINGWELL, AND I'LL SECOND. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0.

ITEM NUMBER 61, THE FIRST OF TWO PHROERGSZ FOR THE PROPOSED LOWE'S AT BRODIE. THE SECOND HEARING SCHEDULED NEXT THURSDAY, OCTOBER 27 AND ORDINANCE READINGS TENTATIVELY SCHEDULED NOVEMBER 17. THIS AREA INCLUDES APPROXIMATELY 37 ACRES AND IS LOCATED IN TRAVIS COUNTY WEST OF BRODIE LANE APPROXIMATELY 3/10 OF A MILE NORTH OF THE INTERSECTION OF BRODIE AND WILLIAM CANNON. THE SITE OF THE PROPOSED LOWE'S HOME IMPROVEMENT STORE AND IS BEING ANNEXED FOR FULL PURPOSES IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT ORDINANCE APPROVED BY COUNCIL MARCH 25, 2005. COPIES OF THE SERVICE PLAN ARE LOCATED ON THE TABLE BEHIND ME. AND I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE AT THIS TIME.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS THIS REGARD

ING THIS FULL-PURPOSE ANNEXATION OF THE LOWE'S AREA AT BRODIE LANE? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING. ITEM 61. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

ITEM NUMBER 62, THE FIRST OF TWO PUBLIC HEARINGS FOR THE PROPOSED SCARBROUGH SUBDIVISION LIMITED-PURPOSE ANNEXATION HEARINGS. THE SECOND IS SCHEDULED FOR NEXT THURSDAY, OCTOBER 27 AND ORDINANCE READINGS TENTATIVELY SCHEDULED NOVEMBER 17. THIS INCLUDES APPROXIMATELY 46 ACRES AND LOCATED IN TRAVIS COUNTY WEST OF THE INTERSECTION OF IH-35 NORTH AND THREE POINTS DRIVE BETWEEN BRAT TON LANE AND I-35. THIS IS BEING PROPOSED FOR LIMITED-PURPOSE ANNEXATION WITH FUTURE CONVERSION TO FULL PURPOSE IN ACCORDANCE WITH THE DEVELOPER'S REQUEST FOR ANNEXATION. COPIES OF THE REGULATORY PLAN ARE LOCATED ON THE TABLE BEHIND ME AND I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE AT THIS TIME.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS THIS REGARDING THE FULL-PURPOSE ANNEXATION OF THE SCARBROUGH SUBDIVISION AREA? I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO CLOSE ITEM NUMBER 62. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0. THANK YOU VERY MUCH. SO COUNCIL THAT IS CORRECT LEAVES US WITH OUR FOUR DIFFERENT SOLID WASTE-RELATED ITEMS. I THINK WE CAN PROBABLY CALL THEM UP AT THE SAME TIME. EARLIER WE HAD TAKEN OUT NUMBER 32 OFF THE CONSENT AGENDA. AND PRIOR TO THAT WE HAD LUMPED ITEMS 31 AND 34 ALONG WITH 63 WHICH IS THE PUBLIC HEARING. WITHOUT OBJECTION, WE'LL CALL UP ALL FOUR OF THESE ITEMS, 31, 32, 34 AND 63 AND WELCOME MR. WILLIE RODE RHOADES.

WILLIE ROADS. ITEM 63 IS CONDUCT A PUBLIC HEARING AND

APPROVE AN ORDINANCE AMENDING SECTION 15-6-14 OF THE CITY CODE TO EXPAND THE DOWNTOWN CONTRACT SERVICE AREA AND AMENDING ORDINANCE NUMBER 20050912-004 IN THE FISCAL YEAR 2005-2006 FEE SCHEDULE OF THE SOLID WASTE SERVICES DEPARTMENT TO INCREASE THE DOWNTOWN CONTRACT SERVICE RATES. PROPOSED EXPANSION OF DOWNTOWN CONTRACT SERVICE AREAS INCLUDE SEVEN ADDITIONAL BLOCKS. THE CITY BLOCKS ADJACENT TO WEST FIFTH BETWEEN GLUED AND KOL STREETS. THE CITY BLOCK SOUTH OF WEST FOURTH STREET BETWEEN LAVACA AND COLORADO STREET. THE CITY BLOCK SOUTH OF [INAUDIBLE] BETWEEN SAPBLG AND TRINITY STREET. AND THE CITY BLOCK NORTH OF EAST 7th BETWEEN NECHES AND RED RIVER. PROPOSED DOWNTOWN CONTRACT SERVICE AREA RATES WOULD BE AMENDED AS FOLLOWS: THE RESIDENTIAL BASE RATE THAT IS CURRENTLY AT \$7, THE PROPOSED CHANGE IS LEAVE IT AT \$7. THE COMMERCIAL GARBAGE RATE IS AT \$8.40 PEER CUBIC YARD. RECOMMENDED INCREASE \$9.50 PER CUBIC YARD. THE COMMERCIAL BASE CHARGE 6,010 RECOMMENDED GO TO \$7 A MONTH. THE COMMERCIAL CLEANING FEE IS \$15.45 PER MONTH. RECOMMENDING THAT GOES TO \$16 PER MONTH. AND THE RESIDENTIAL DUMPSTER IS AT \$7.50 A MONTH, RECOMMENDED IT GO TO \$10.25 A MONTH.

Mayor Wynn: THANK YOU, MR. RHOADES. QUESTIONS OF MR. RHOADES?

THAT'S ON THE PUBLIC HEARING.

Mayor Wynn: THANK YOU.

DO YOU WANT --

Mayor Wynn: LET'S JUST SEE IF WE CAN. IT MIGHT -- I WELCOME ANY SUGGESTION YOU MIGHT HAVE, MR. RHOADES, BUT ALL OF THESE ITEMS ARE IN YOUR DEPARTMENT SO WE COULD EITHER JUST TAKE IT ALL TOGETHER OR CERTAINLY HAVE YOUR PRESENTATION ABOUT ALL FOUR, AND IT MIGHT BE THAT A SUBSET OF THESE ITEMS GET VOTED ON, DON'T GET VOTED ON. THE WILL OF THE COUNCIL WILL DECIDE THAT. WHY DON'T YOU

WALK US THROUGH THESE OTHER ACTION ITEMS NOW.

THE OTHER ACTION ITEMS BEFORE YOU IS FOR THE DOWNTOWN CONTRACT. AUTHORIZE EXECUTION OF A 12-MONTH SERVICE AGREEMENT WITH WASTE MANAGEMENT OF TEXAS FOR GARBAGE AND RECYCLING COLLECTIONS IN THE DESIGNATED ALLEYS DOWNTOWN. AS FOR -- IT'S FOR 12-MONTH AGREEMENT WITH FOUR 12-MONTH EXTENSION OPTION NOT TO EXCEED \$1,100,000 FOR TOTAL AGREEMENT NOT TO EXCEED 5 [INAUDIBLE]. COST FOR FISCAL YEAR 2005 AND 2006 AND FUNDING AMOUNT IS AVAILABLE IN FISCAL YEAR 2005 APPROVED OPERATING BUDGET. THIS CONTRACT PROVIDES FOR SERVICE IN THE DOWNTOWN AREA IN THE DISTRICT AND EXPANDED AREA CITY OF AUSTIN. THIS CONTRACT HAS BEEN IN PLACE SINCE 1980 WHETHER THE WEUSZ ASKED THE SOLID WASTE SERVICES TO MANAGE THIS CONTRACT. WE ASKED FOR EXPANSION OF THE AREA SOME ADDITIONAL BLOCKS. THE CONTRACT PROVIDES GARBAGE SERVICE ONE PROVIDER IN THE ALLEYS IN DOWNTOWN AREA AND THE CITY OF AUSTIN SOLID WASTE SERVICES DEPARTMENT MANAGES THAT CONTRACT. THE SECOND ITEM RELATED TO THIS IS AN ORDINANCE AMENDING OUR BUDGET TO RECOGNIZE THE FEES ASSOCIATED WITH THE INCREASES IN THE FEES WE CHARGE FOR THIS AREA. AND THE THIRD ITEM IS THE CITY-WIDE REFUSE CONTRACT. RECOMMEND WE GO WITH WASTE MANAGEMENT. A 12-MONTH SERVICE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$618,320 WITH FOUR 12-MONTH EXTENSION OPTIONS. FUNDING IS AVAILABLE IN 2005-2006 OPERATING BUDGET. THIS CONTRACT WILL PROVIDE TRASH SERVICE FOR CITY DEPARTMENTS AROUND THE CITY, ALSO PROVIDE FOR SPECIAL CLEANUPS IN CASE OF CATASTROPHIC EVENTS INSIDE THE CITY OF AUSTIN. AND NEIGHBORHOOD CLEANUPS FOR THE NEIGHBORHOODS. IT'S ALSO BEING UTILIZED BY CODE COMPLIANCE SECTION WHEN THEY ADDRESS CLEANUPS IN THE NEIGHBORHOOD.

Mayor Wynn: THANK YOU, MR. RHOADES. QUESTIONS OF MR. RHOADES, COUNCIL? WE HAVE A HANDFUL OF CITIZENS WHO SIGNED UP ON SOME OR ALL OF THESE ITEMS SO WITHOUT OBJECTION, I THOUGHT WE MIGHT TAKE SOME CITIZEN INPUT AND LIKELY HAVE SEVERAL QUESTIONS OF

STAFF. DO WE HAVE MORE INFORMATION, MR. RHOADES?

I HAVE A SHORT PRESENTATION FOR COUNCIL.

Mayor Wynn: LET'S DO THAT.

IN 1988, COUNCIL SOLID WASTE SERVICES MOVING FORWARD WITH CONTRACTS FOR OUR LANDFILL DISPOSAL CONTRACTS. AT THIS TIME WE NEED TO MOVE FORWARD WITH THESE CONTRACTS BUT CITY OF AUSTIN LANDFILL WAS CLOSING DUE TO THE OPENING OF THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT. DURING NEGOTIATIONS COUNCIL REQUESTED WE PERFORM AN ENVIRONMENTAL SCAN ON ALL THE LANDFILLS IN TRAVIS COUNTY. THE CITY OF AUSTIN HIRED CONTRACTOR CARTER BURGESS TO DO THE SCAN AND PRESENTED ON REPORT TO CITY COUNCIL CONCERNING ON ALL THE THREE LANDFILLS. SPECIFIC INFORMATION CONCERNING WASTE MANAGEMENT SITE, THIS IS THE SITE THAT WE'RE RECOMMENDING FOR THE GARBAGE [INAUDIBLE]. IN FEBRUARY OF 1999, CARTER AND BURGESS PRESENTED A REPORT TO CITY COUNCIL CONCERNING THEIR LANDFILL ASSESSMENT AND THIS IS WHAT THEY SAID ABOUT THE WASTE MANAGEMENT SITE. IT'S A HIGH PROBABILITY OF ENVIRONMENTAL IMPACT PARTICULAR [INAUDIBLE] LATERAL MIGRATION LEACHATE. BUT WITH NO EVIDENCE OF IMPACT WAS FOUND BY THIS STUDY. THE STUDY NO SUCH MUNICIPAL SOLID WASTE PORTION OF THE SITE HAS BEEN OPERATED IN GENERAL COMPLIANCE WITH REGULATIONS. AND THE STUDY RECOMMENDED REMOVAL OF THE WASTE IN THE INDUSTRIAL WASTE UNIT AND FURTHER MONITORING AND INVESTIGATION. THE REMOVAL OF THE WASTE AND INDUSTRIAL WASTE UNIT HAS NOT OCCURRED BECAUSE THE NEIGHBORHOOD DID NOT BELIEVE THAT WAS THE PRUDENT THING TO DO SO THAT HAS NOT OCCURRED. WASTE MANAGEMENT PERFORMED AN INVESTIGATION IN 2000 AS RECOMMENDED BY THIS REPORT. LANDFILL CONTRACT COUNCIL HAS AWARDED PREVIOUSLY. IN JUNE 29th OF 2000, COUNCIL AWARDED THE DOWNTOWN CONTRACT TO WASTE MANAGEMENT. ON AUGUST 17, 2000, THE COUNCIL AWARDED THE CITY-WIDE CONTRACT TO WASTE MANAGEMENT. IN JANUARY OF 2001, A REPORT BY THE NEIGHBORHOOD WAS [INAUDIBLE] ENTITLED

DISCREPANCIES IN THE HUMAN HEALTH RISK AND SITE INVESTIGATION REPORT TO AUSTIN COMMUNITY LANDFILL INDUSTRIAL UNIT. THIS REPORT HAD COUNCIL PREPARING A RESOLUTION AND ADOPTING A RESOLUTION IN MAY OF 2001 REGARDING THE WASTE MANAGEMENT LANDFILL AND CITY CONTRACTS. THEY ASKED THE CITY MANAGER REPORT BACK TO THEM WITHIN 45 DAYS REGARDING THIS RESOLUTION. IN JULY OF 2001, THE CITY MANAGER RESPONDED BACK TO COUNCIL. AS PART OF THE RESPONSE TO COUNCIL, THE CITY MANAGER RECOMMENDED WE INITIATE DISCUSSION WITH WASTE MANAGEMENT REGARDING THE MONITORING INTEGRITY. IN AUGUST OF 2001, A MEMORANDUM WAS SENT TO COUNCIL REGARDING AGREEMENT IN PRINCIPLE WITH WASTE MANAGEMENT AND THE CITY REGARDING MONITORING INTEGRITY OF THE I.W. SITE. THE SOLID AGREEMENT WAS REACHED IN 2002 CONCERNING THIS MONITORING. AND INCLUDED THIS THAT WAS ADDITIONAL GROUND WATER MONITORING POINTS WERE SPACED CLOSER TO THE I.W. SITE TO GIVE EARLY WARNING OF A RELEASE. THEY WERE TO CEASE OPERATIONS ON TOP OF THE I.W. SITE AND APPLY A MINIMUM OF [INAUDIBLE] ABOVE THE SITE. COPIES OF THE FINAL AGREEMENT WAS PROVIDED TO INTERESTED NEIGHBORHOOD PARTIES IN MAY OF 2002. SINCE THEN THE WATERSHED DEPARTMENT HAS BEEN REVIEWING AND RECEIVING MONITORING REPORTS SINCE 2002. THERE HAVE BEEN NO INDICATIONS OF GROUND WATER OR SERVICE WATER IMPACTS HAVE BEEN FOUND TO DATE. CONCERNING THE WASTE MANAGEMENT SITE, THE CITY HAS LOOKED AT THIS ON SEVERAL ISSUES ON DIRECTION FROM COUNCIL. AND TO DATE WE HAVE NO INDICATION OF ANY GROUND WATER SURFACE WATER IMPACTS FOUND ON THE I.W. SITE. THE CONTRACT WE'RE ASKING TO YOU APPROVE THIS EVENING OR FOR THE [INAUDIBLE] SITE AND NONE OF THE WASTE WILL BE BURIED IN THE I.W. AREA IS BEING BURIED IN A SEPARATE CELL ON THE WASTE MANAGEMENT LANDFILL SITE. AT THIS TIME I'LL TAKE ANY QUESTIONS COUNCIL MAY HAVE CONCERNING --

Mayor Wynn: THANK YOU, MR. RHOADES. QUESTIONS? YES, MAYOR PRO TEM.

Thomas: YES, MR. RHOADES, YOU WERE SAYING IN THE

AGREEMENT THAT IN 2001 UP TO THIS DATE THAT WASTE MANAGEMENT IS UP TO PAR IN WHAT WE ARE REQUIRING THEM TO DO?

THAT'S CORRECT.

Thomas: OKAY. AND YOU SAID THE I.W.U. SITE IS NOT PUT -- IS THAT WHERE THE CONTAINERS ARE?

YES, SIR.

Thomas: OKAY. SO YOU'RE SAYING THAT WITH THIS CONTRACT THAT THE TRASH THAT WE'RE GOING TO COLLECT IS NOT GOING IN THAT GENERAL AREA. IT'S GOING INTO THE AREA --

RESIDENTIAL WASTE MANAGEMENT HAS SITED A LANDFILL [INDISCERNIBLE] MILE AN HOUR. COUNCIL, GOOD EVENING. MY NAME IS STEVE JACOBS, THE DIVISION LANDFILL MANAGER FOR WASTE MANAGEMENT OF TEXAS. I AM RESPONSIBLE FOR THIS FACILITY AND THIS MAP HERE HOPEFULLY WILL SHOW THE PROXIMITY OF THE INDUSTRIAL WASTE UNIT AND THE CURRENT ACTIVE LANDFILL. JUST A QUICK HISTORY ON THIS, SOME OF YOU HAVE BEEN INVOLVED WITH THIS FOREVER. THIS FACILITY, THE INDUSTRIAL WAYS UNIT WAS OPERATED BY A COMPANY IN 1971, '72 THAT WAS IN NO WAY AFFILIATED WITH WASTE MANAGEMENT. WASTE MANAGEMENT PURCHASED THIS LANDFILL AND THIS INDUSTRIAL WASTE UNIT IN THE MID-1980s. SINCE THAT TIME WE HAVE ADDRESSED ALL THE ISSUES TO THE BEST OF OUR ABILITY AND TO DATE WE FEEL THAT THE FACILITY IS WELL UNDER CONTROL. THE ORANGE AREA THAT'S HIGHLIGHTED IN THE CENTER OF THE LANDFILL IS THE INDUSTRIAL WASTE UNIT. MAYOR PRO TEM, YOU MENTIONED CONTAINERS. THERE ARE NO CONTAINERS ON TOP OF THE INDUSTRIAL WASTE UNIT ITSELF. THERE ARE A FEW THAT ARE NEARBY, BUT NOTHING IS ON TOP OF THE INDUSTRIAL WASTE UNIT BUT GRASS. THE ACTIVE AREAS OUTLINED IN RED, IT IS TPROBGSLY FROM THE CLOSEST POINT OF THE TWO IN EXCESS OF 2,000 FEET. THE CURRENT ACTIVE AREA IS A FULLY COMPLIANT SUBTOTAL D COMPOSITE LINE CELL SO ANY WASTE THAT WOULD COME OUT OF THESE CONTRACTS WOULD BE DISPOSED OF IN

THOSE CELLS.

Thomas: OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: ARE WE MONITORING SURFACE WATER IN THE
VICINITY OF THESE LANDFILLS?

[INDISCERNIBLE].

GOOD EVENING, MAYOR, COUNCIL, WATERSHED
PROTECTION DEPARTMENT. NO, SIR, THE CITY OF AUSTIN IS
NOT MONITORING SURFACE WATER ADJACENT -- OR IN THE
LANDFILL AREA OR ADJACENT TO IT. WE DO HAVE SOME
AREAS WHERE WE ARE MONITORING NEAR WALNUT CREEK.
BUT WE'RE NOT LOOKING FOR LANDFILL-TYPE
CONTAMINANTS. AS PART OF OUR MONITORING AGREEMENT
WITH WASTE MANAGEMENT, THEY ARE LOOKING FOR
LEACHATE SEEPS, WHICH IS WHAT WE'RE PRIMARILY
CONCERNED ABOUT. THERE IS A TRIBUTARY TO WALNUT
CREEK THAT RUNS ADJACENT TO THE TRIAL WASTE UNIT.
WE HAVE MONITORING POINTS PLACED BETWEEN THE
INDUSTRIAL WASTE UNIT OR WASTE MANAGEMENT DOES
PER OUR REQUEST. MONITORING POINTS PLACED BETWEEN
THE INDUSTRIAL WASTE UNIT AND THAT TRIBUTARY. AND SO
THE THEORY IS AND THE BELIEF IS THAT THOSE
MONITORING POINTS WOULD DETECT CONTAMINATED
GROUND WATER BEFORE IT REACHED THE TRIBUTARY, BUT
EVEN SO, THEY ARE MONITORING AND IF SEEPS ARE
DETECTED IN THE AGREEMENT WITH W.M.M.I. WOULD
MONITOR.

Leffingwell: THE STATEMENT WAS MADE THERE WAS
MONITORING OF GROUND WATER OR SURFACE WATER.

IT'S VISUAL MONITORING. IT'S VISUAL MONITORING OF
SURFACE WATER OR THE TRIBUTARIES. THE TRIBUTARIES
ARE PRIMARILY DRY MOST OF THE TIME EXCEPT FOR AFTER
RAIN EVENTS. THEY DO RUN FOR A LITTLE WHILE AFTER A
RAIN EVENT. BUT REALLY WHAT WE'RE LOOKING FOR IS
LEACHATE SEEPAGE FROM THE INDUSTRIAL WASTE UNIT.

IT'S NOT A SURFACE RUNOFF THREAT EXCEPT FROM LEACHATE SEEP AND WE'RE NOT SEEING THAT. BUT THEY HAVE AGREED IF THERE ARE LEACHATE SEEPS FOUND, THEY WILL BE SAMPLED.

Leffingwell: WHEN YOU ARE LOOMING FOR LEACHATE SEEPS OUTSIDE THE STREAM BED AND BACK, AND YOU ARE ALSO LOOKING AT GROUND WATER, BUT YOU'RE NOT LOOKING DIRECTLY AT SURFACE WATER, BUT YOU BELIEVE THAT THESE OTHER PROCEDURES WILL ADEQUATELY PROTECT SURFACE WATER? IS THAT WHAT YOU ARE SAYING?

YES. THAT THE GROUND WATER MONITORING POINTS ARE PLACED IN LOCATIONS THAT THE MONITORING SHOULD DETECT ANY CONTAMINANTS LONG BEFORE IT REACHES THE TRIBUTARY.

Leffingwell: OKAY. I HAVE ONE MORE QUESTION. I DON'T KNOW WHO WOULD BE THE APPROPRIATE PERSON TO ANSWER, BUT I BELIEVE IT WAS CARTER BURGESS, ONE OF THEIR RECOMMENDATIONS WAS TO REMOVE THE I.W.U., WAS IT? AND MR. RHOADES, YOU MADE THE STATEMENT THAT THAT HAD NOT BEEN DONE BECAUSE THE NEIGHBORHOODS DIDN'T WANT IT. COULD YOU ELABORATE ON THAT?

I THINK I'D RATHER HAVE STEVE JACOBS, WASTE MANAGEMENT. THEY WERE STARTING TO DO SOME THINGS OUT THERE, SOME TESTING, BUT HE CAN ANSWER THAT QUESTION MORE FULLY THAN I COULD.

I WOULD RATHER THAT WILLIE ANSWERED THAT QUESTION. [LAUGHTER] BASICALLY MY UNDERSTAND -PG AND I HAVE TO APOLOGIZE BECAUSE I WAS NOT HERE WHEN THAT HAPPENED. I CAME TO THIS FACILITY IN 2002. WE HAD MADE A PROPOSAL TO RELOCATE THE WASTE IN TWO LOCATIONS. ONE, WE WERE GOING TO ANALYZE THE MATERIAL THAT WAS HAZARDOUS. IT WOULD BE TRANSPORTED OFF SITE TO A HAZARDOUS WASTE DISPOSAL UNIT. THE OTHER MATERIAL THAT WAS INDUSTRIAL, WHICH THIS WAS A CLASS 1 CELL, THAT WOULD BE DISPOSED OF ON A CELL CONSTRUCTED FOR THAT ON THE PROPERTY. WHEN WE PRESENTED THAT TO THE NEIGHBORS, AND I'M SURE THEY

WILL SPOKE BECAUSE MOST OF THE ONES AGAINST THAT ARE HERE. THERE WERE A LOT OF CONCERNS ABOUT RELEASES THAT COULD TAKE PLACE DURING THAT PROCESS AND THE COMPANY AT THAT TIME DECIDED THEY WOULD LOOK AT WHETHER IT WOULD MAKE SENSE TO ENCAPSULATE THE WASTE IN PLACE. BASICALLY WE HAD TWO OPTIONS TO MOVE IT. THE CITIZENS DIDN'T PARTICULARLY LIKE THAT. WE WASN'T BACK AND HAD ANOTHER STUDY DONE TO LOOK AT WHETHER IT WOULD BE POSSIBLE TO LEAVE IT IN PLACE. THAT CAME BACK FAVORABLE AND THAT'S WHAT WE'VE DONE NOW. WE HAVE GONE IN AND PUT IN A 5-FOOT CLAY CAP OVER THE ENTIRE LANDFILL. AS THEY MENTIONED EARLIER, WE HAVE A THIRD PARTY CONSULTANT THAT INSPECTS THE CAP EVERY MONTH AND MAKES CERTAIN THAT THERE IS NO EROSION OR ANY LEAKAGE OUT OF OF THE LANDFILL ITSELF. AND TO DATE IT'S HELD UP VERY WELL.

YOU SAID THERE WAS NEIGHBORHOOD OPPOSITION TO REMOVING IT AND DO YOU KNOW WHY THAT WAS?

I BELIEVE AT THE TIME THE CONCERN WAS OVER AIR EMISSIONS DURING THE PROCESS BECAUSE BASICALLY YOU WOULD BE RUNNING A LANDFILL IN REVERSE. WE WOULD HAVE TO GO IN, REMOVE THE CLAY, REMOVE THE WASTE, IDENTIFY WHAT THAT WASTE WAS, AND DURING THAT PROCESS THERE WOULD BE THE POTENTIAL FOR AIR RELEASES AS WELL AS A POTENTIAL FOR IF YOU HAD A RAIN EVENT DURING THAT TIME YOU COULD HAVE SURFACE WATER ISSUES. SO THERE WAS ENOUGH OPPOSITION THAT THE COMPANY DECIDED NOT TO PURSUE THAT COURSE AND WENT BACK THE OTHER DIRECTION.

Leffingwell: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? WE HAVE A HANDFUL OF CITIZENS THAT WOULD LIKE TO ADDRESS US. SO WITHOUT OBJECTION, WE'LL GO TO THE SIGN-UP SHEET. I'LL JUST GO AHEAD AND I'VE CALLED UP ALL OF THE FOLKS WHO SIGNED UP FOR EITHER 31, 32, 34 OR 63. AND WE'LL JUST TAKE THEM IN ORDER. OUR FIRST SPEAKER IS JOYCE BEST. WELCOME BACK, JOYCE. YOU'LL BE FOLLOWED BY TREK -- PARDON? YOU'LL BE FOLLOWED BY TREK ENGLISH

WHO WILL BE FOLLOWED BY DENNIS HOBBS.

YES, ACTUALLY JOYCE BEST HAD TO LEAVE AND REQUESTED IF HER TIME COULD BE DONATED TO ME. I BELIEVE SHE HAD ASKED YOUR CLERK. I DON'T KNOW WHAT YOUR PROCEDURE IS.

Mayor Wynn: WELL, OUR RULES, MS. ENGLISH, IS THAT THE PERSON HAS TO BE IN THE COUNCIL CHAMBERS. THE FACT YOU SIGNED UP FOR A COUPLE OF DIFFERENT ITEMS, WITHOUT OBJECTION, I'LL SUGGEST WE GIVE HER SIX MINUTES AND THAT YOU CAN GIVE ALL OF YOUR COMMENTS ON ALL FOUR ITEMS INTO SIX MINCE, WE WOULD APPRECIATE IT.

THANK YOU. GOOD EVENING, MY NAME IS TREK ENGLISH, AND THERE ARE MANY THINGS THAT WERE SAID TONIGHT THAT AND I THINK I WILL NEED ALL THESE SIX MINUTES IF NOT MORE. BUT ANYWAY, FIRST, I WOULD LIKE TO -- I WOULD LIKE YOU TO PASS THESE -- IT'S JUST AN ARTICLE THAT I'M GOING TO RELATE TO THESE ITEMS. TO ADDRESS THE LAST ISSUE ABOUT WEATHER NEIGHBORS DIDN'T WANT TO MOVE THE BARRELS OR WHATEVER, THEIR OWN CONSULTANTS THAT DID THE HUMAN HEALTH RISK EVALUATION REPORT, THEIR CONCLUSION WAS THAT THE [INAUDIBLE] COULD NOT BE MOVED, THEY COULD NEVER BE MOVED, THEY WOULD BE EVEN DANGERING OUR LIVES. SO THE BARRELS WERE NOT MOVED OF THE RECOMMENDATION OF WASTE MANAGEMENT'S OWN CONSULTANT. THAT'S NUMBER 1. NUMBER 2, THE ORIGINAL PROPOSAL FROM WASTE MANAGEMENT WAS NOT TO MOVE THE WASTE VERY FAR, JUST IN THE BIG CELL RIGHT ABOVE IT. AND AS FAR AS I'M CONCERNED, IF YOU HAVE A BOMB IN YOUR HOUSE, IF THEY COME TO YOUR HOUSE AND MOVE THE BOMB FROM THE BEDROOM TO THE KITCHEN OR FROM THE KITCHEN TO THE BEDROOM, I DON'T THINK YOU WOULD FEEL ANY SAFER, AND THAT'S THE WAY WE FELT. WE FELT MOVING IT TO ANOTHER CELL WAS NOT A SOLUTION FOR US, THE RESIDENTS. THERE'S A STATEMENT THAT WAS MADE THAT IN 2001 AN AGREEMENT WAS REACHED AND EVERYTHING WAS HUNGRY DOORY AND THEY WERE JUST THE BEST COMPANY IN THE WORLD. I DON'T KNOW, YOU MUST HAVE FORGOTTEN SOMETHING HERE, IS THAT IN 2001, THAT'S WHEN THE REAL

PROBLEMS STARTED. I'M TALKING REAL PROBLEMS. GO BACK TO YOUR E-MAILS. I THINK YOU WERE GETTING SOME OF YOU IF YOU WERE ON THE COUNCIL WERE GETTING ODOR E-MAILS ON ALMOST A DAILY BASIS FROM MANY RANTS. WE HAVE FILED OVER 1,000 ODOR COMPLAINTS ON THAT SITE. SO I DON'T SEE HOW YOU CAN SAY -- OR HOW STAFF CAN SAY THAT THERE WAS NOTHING WRONG WITH THE SITE AFTER THAT. THEY INCURRED A DOZEN VIOLATIONS, WHICH IS ALMOST UNHEARD OF AT THE TCEQ LEVEL, AND THE FINES THAT WERE LEVIED AGAINST THAT LANDFILL WERE THE HIGHEST OF ANY FINES THAT WERE EVER LEVIED AGAINST A LANDFILL IN TEXAS. SO, YOU KNOW, I WOULD LIKE YOU TO LOOK AT 2001, 2004 OR 5 AND SEE THAT THIS WAS PROBABLY THE WORST PART OF THE WASTE MANAGEMENT LAND FILL. BURGLARS FINANCING FINANCING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

IT IS NOT ISOLATED, NOT CONFINED. IT IS RIGHT THERE IN THE MIDDLE OF THAT SITE, EVERY TIME IT RAINS ALL OF THE CREEK BEDS GET RECHARGED AND OFF THE CONTAMINATION GOES. SO THAT CONTAMINATION HAS BEEN MOVING OVER AND OVER AND OVER. THE WELLS THAT WERE TESTED IN -- IN 2000 WERE MINIMUM BECAUSE EVERYWHERE THEY TRY TO PUT A WELL, PUT A BORING IN, THEY FOUND WAYS TO CONTAMINATION, THEY DID NOT WANT TO INSTALL IT, THE WELL, BECAUSE WE WILL CONTAMINATE IT THERE'S SO MUCH WASTE. THIS WAS A CREEK BED THAT WAS NOT PERMITTED TO HAVE WASTE. WE WILL NEVER KNOW BECAUSE THEY NEVER INSTALLED THE WELLS. SO YOU HAVE A HUGE AMOUNT OF CONTAMINATION NEVER ADDRESSED. THEY HAVE A HIT AND -- AND WE HAD ASKED FOR -- FOR OTHER WELLS TO BE INSTALLED DOWNGRADIENT OF THAT HIT, WHERE THAT HIT WAS, SO THAT WE WOULD KNOW HOW FAR THE CONTAMINATION WENT. THAT WAS NEVER DONE. THE WELLS AT THE BOUNDARY OF THE SITES, THE TCEQ REQUIRES THEM TO INSTALL, SO WHEN THE MIGRATION IF IT LEAVES THE SITE IS DETECTED. I WISH YOU STILL HAD THE MAP, I COULD SHOW YOU WHERE YOU SEE THAT ORANGE MAP AND THE TWO CREEK BEDS, YOU HAVE A WELL THERE AND YOU HAVE A WELL THE OTHER END. THAT'S ABOUT 1100 FEET. THERE ARE

OTHER WELLS BUT THEY ARE TOO FAR APART, YOU COULD DRIVE SEMI'S FULL OF CON TAM NATION AND NEVER DETECT ANYTHING. [BUZZER SOUNDING] SO I WOULD LIKE YOU NOT TO AWARD THESE -- IS THAT MY SIX MINUTES?

Mayor Wynn: THAT WAS YOUR SIX MINUTES.

OKAY. I THINK THAT I HAVE ANOTHER THREE MINUTES BECAUSE SOMEONE ELSE SIGNED UP TO ME AND DONATED THEIR TIME, BUT THAT'S OKAY.

Mayor Wynn: IF THEY ARE HERE. MORE THAN LIKELY SOMEBODY MIGHT ASK YOU QUESTIONS LATER ON, MS. ENGLISH. WHAT'S YOUR NAME, SIR?

[INDISCERNIBLE]

Mayor Wynn: WELL, THEN TREK YOU HAVE THREE MORE MINUTES IF YOU NEED IT.

OKAY. WELL, I WOULD LIKE YOU NOT TO -- TO APPROVE THIS -- THIS CONTRACT. THIS IS YOUR DOWNTOWN AREA. YOU DON'T WANT TO HAVE WASTE MANAGEMENT DUMPSTERS, ESPECIALLY WHEN IT CONCERNS THE 21,000 BARRELS THAT ARE THERE. EVERYONE IS STARTED TO KNOW THAT. WE HAVE MADE ENOUGH NOISE I DON'T THINK IT WOULD BE PRUDENT. MY OTHER CONCERN IS THAT THEY ARE ALWAYS SO CHEAP, SO CHEAP AT OUR EXPENSE, WE ARE THE SUBSIDY FOR THESE CHEAP PRICES. HOW CAN THEY TELL US WE DON'T HAVE ENOUGH MONEY TO PUT TREES, WE DON'T HAVE ENOUGH MONEY TO REVEG -- REVEGETATE, EVEN THOUGH THEY DO IT EVERY YEAR AND IT DRIES. THEY DIDN'T INSTALL THE WELLS FAST ENOUGH TO CAPTURE ALL OF THE GAS, THAT'S WHY IT STUNK SO BAD. I CAN GO ON AND ON AND ON THEY DON'T SEEM TO HAVE THE MONEY NECESSARY TO RUN THE SITE ABOVE AND BEYOND WHAT THEY SHOULD DO. THIS IS A TIME BOMB. I GIVE YOU THIS ARTICLE AND I WANT TO BRING A CORRELATION BETWEEN THAT ARTICLE AND THIS SITE. THIS SITE, THE BASIC -- BASICALLY THE -- THE SITE -- THE ARTICLE IS A -- A LOT OF SIMILARITY WITH THIS LANDFILL. FIRST OF ALL THE WASTES THAT WERE DISPOSED AT THAT LANDFILL ARE SIMILAR TO WHAT WAS DISPOSED HERE. THE TIME OF THE DISPOSAL OF

THOSE WASTES IS SIMILAR TO THE -- TO THE WASTES THAT WERE DISPOSED HERE. THE CONTAMINANTS, THE COM TAMNANTS THAT ARE GOING TO BE CLEANED UP AT THAT SITE WERE THE ONES THAT WERE FOUND HERE. IF YOU LOOK AT ONE OF THE RED OUTLINED PARAGRAPHS, THE ONE [INDISCERNIBLE] WAS FOUND IN EXTREMELY LARGE QUANTITIES IN ONE OF THE WELLS, THAT'S CALLED A HIT. THAT WAS NEVER CLEANED UP. IT WAS JUST CONTAINED THERE THEY ARE JUST MONITORING. HOWEVER THEY ARE MONITORING THERE, THEY KEEP MONITORING THERE, THAT'S WHERE THE HITS ARE. THEY WILL NOT MONITOR ABOVE AND BEYOND THAT POINT, SO WE WILL NEVER ESTABLISH IF THERE -- IF THE CONTAMINATION IS MOVING ON DOWN THE CREEK AND TO ADDRESS -- COUNCILMEMBER LEFFINGWELL THE IMPACT TO SUR-- THAT SURFACE WATER HAS TO BE THERE BECAUSE THE SEEPS HAVE BEEN DOCUMENTED IN THAT CREEK BED ON -- DOWNGRADENT FROM THE INDUSTRIAL UNIT ON SEVERAL, SEVERAL OCCASIONS AND NEVER WERE THEY EVER CLEANED UP. THEY WERE JUST COVERED WITH MORE DIRT. I THINK THERE'S A SERIOUS PROBLEM THERE AND I THINK THE PRICE SHOULD NOT BE A CONSIDERATION HERE. YOU NEED TO DO IT RIGHT. I UNDERSTAND THAT YOU NEED TO LOOK AT MONEY. BUT YOU ALSO NEED TO DO IT -- DO IT RIGHT BECAUSE YOU HAVE YOUR FIRST AND PRIMARILY RESPONSIBILITIES TO LOOK OUT FOR THE -- FOR THE PROTECTION OF YOUR CITIZENS, WHETHER THEY LIVE DOWNTOWN OR WHETHER THEY -- WHETHER THEY ARE ON THE OUTSKIRTS OF -- OF TOWN AND ARE PUTTING UP WITH THE WASTE THAT YOU ARE BRINGING NEXT TO US. SO -- SO I WOULD APPRECIATE IT IF YOU WOULD TAKE THAT INTO CONSIDERATION BEFORE YOU -- BEFORE YOU -- BEFORE YOU CONSIDER THESE CONTRACTS. FOR APPROVAL. THANK YOU. THANK YOU MS. ENGLISH, DENNIS HOBBS IS NEXT, FOLLOWED BY ROBERT KIRE, LOOKS LIKE.

[INDISCERNIBLE]

Mayor Wynn: SURE, FAIR ENOUGH. WELCOME, MR. KEIR.

THANK YOU, MAYOR AND COUNCIL, MR. HOBBS HAS --

Mayor Wynn: THREE MINUTES.

HAS A HANDOUT THAT HE'S GIVING YOU CALLED SUMMARY OF ENVIRONMENTAL CONDITION AS WASTE MANAGEMENT, INCORPORATED, AUSTIN'S LOVE CANAL. THAT IS NOT AN APPELATION THAT I APPLIED TO IT MYSELF, IT WAS APPLIED TO IT BY AN E.P.A. REPRESENTATIVE. GIVE YOU A LITTLE HISTORY. SINCE MANY OF YOU KNEW ON THE COUNCIL. MANY OF YOU ARE NEW ON THE COUNCIL. THIS IS A VERY OLD LANDFILL. STARTED IN 1970. BEFORE THERE WAS ANY PERMITTING SYSTEM. IN 1971, AN ENTITY UNDER THE SAME OR COMMON OWNERSHIP RECEIVED EMERGENCY PERMISSION FROM THE TEXAS WATER DEVELOPMENT BOARD, OR WATER QUALITY BOARD AT THAT POINT. TO TAKE INDUSTRIAL WASTE, RECALL AT THAT TIME THERE WAS NO LEGALLY DEFINED HAZARDOUS WASTE. THE WASTE THAT THEY WERE TO RECEIVE WERE BULK AND DRUM WASTE CHARACTERIZED AS SPIN ACIDS, SOLVENTS, INDUSTRIAL PROCESSED WASH WATER. BY SPIN ACID IT IS NOT MEANT THAT IT IS NO LONGER ACIDIC, IT MEANS THAT IT IS DIRTY AND CAN'T BE USED FOR THE INTENDED PURPOSE. WE DON'T KNOW ALL OF THE CHEMICALS THAT WERE PUT THERE, BUT WE DO ENOUGH THAT THE CONSTITUENTS THAT WENT IN THERE, THE ONES THAT WENT IN THERE, MANY OF WHICH TODAY WOULD BE HAZARDOUS WASTES. DEFINED AS HAZARDOUS WASTES. WE ALSO DON'T KNOW THE EXACT QUANTITY. WE DO KNOW, HOWEVER, BASED ON THE DOCUMENTS SUPPLIED BY WASTE MANAGEMENT AND OTHERS, THAT THERE ARE 21,000 OR MORE DRUMS WERE BURIED THERE. THERE WERE FOUR UNLINED PITS CONSTRUCTED INTO WHICH SPIN ACIDS, PAINTS, SOLVENTS AND INDUSTRIAL PROCESSED WASH WATER WERE PLACED. THESE HAD A CAPACITY OF 1.8 MILLION GALLONS. IF YOU LOOK AT THE CAPACITY AND ASSUME THAT THOSE PITS WERE FILLED JUST ONCE DURING THAT YEAR, AND THE CAPACITY OF THE 21,000 DRUMS, YOU ARE -- USING A -- A DENSITY OF THE MATERIAL, SUPPLIED OUT OF INDUSTRIAL, THE INDUSTRIAL WASTE MANAGEMENT DOCUMENT, YOU WILL SEE THAT THERE IS APPROXIMATING OR AT LEAST 19,000-TONS OF INDUSTRIAL HAZARDOUS WASTE AT THE AUSTIN COMMUNITY LANDFILL. THIS IS ON THE SAME ORDER AS THE FAMOUS OR INFAMOUS LOVE CANAL SUPER FUND

SITE. IF YOU USE SOME OTHER FIGURES THAT ARE IN THAT -- THE OLD DOCUMENTS, THERE COULD BE AS MUCH AS 80,000 TONS OF INDUSTRIAL HAZARDOUS WASTE BURIED THERE. THIS IS APPROXIMATELY FOUR TIMES THE AMOUNT OF HAZARDOUS WASTE BURIED AT LOVE CANAL. INDUSTRIAL WASTE WAS ALSO RECEIVED IN 1976 FROM LOCAL AUSTIN -- BUSINESSES, ALSO FROM OUT OF TOWN BUSINESSES. WHERE IT WAS PUT, NOBODY KNOWS, IT WAS PUT IN TWO AREAS THAT ARE NOT CURRENTLY USED, BUT WERE UNLINED AND ACTIVE AT THE TIME. WAS MANAGEMENT BOUGHT THIS COMPANY IN -- I GUESS THAT I HAVE TO QUIT. I HAVE THREE MORE MINUTES.

Mayor Wynn: WHAT'S YOUR NAME, SIR.

Mayor Wynn: THAT MEANS YOU WON'T BE ABLE TO SPEAK LATER, FAIR ENOUGH.

WASTE MANAGEMENT BROUGHT THIS SITE IN 1981. ITS OWN REPRESENTATIVE MS. JANE LA PORT INVESTIGATED IT SAYING "THERE IS A FAIRLY WELL DOCUMENTED HISTORY OF HAZARDOUS WASTE DISPOSAL ON THIS SITE." INCIDENTALLY AS OF MARCH 2003, WASTE MANAGEMENT WAS ADVERTISED IT AS A HAZARDOUS WASTE DISPOSAL SITE ON ITS WEBSITE. IN 1998, VARIOUS ENVIRONMENTAL GROUPS FILED A PETITION WITH THE E.P.A. TO HAVE THIS SITE DECLARED A SUPER FUND SITE AND TO SEEK EMERGENCY HELP FROM E.P.A. TO MY KNOWLEDGE, NOTHING HAS BEEN DONE ABOUT THAT. FOLLOWING A SERIES OF NEWSPAPER ARTICLES AND DURING THE TIME THE CITY WAS CONSIDERING AWARDED A 30 YEAR CONTRACT TO PICK UP RESIDENTIAL WASTE, DISPOSE OF RESIDENTIAL WASTE, SINCE THEY HAD CLOSED THEIR OWN LANDFILL TO TYPE I WASTE, THE CITY HIRED CARTER AND BURGESS TO DO AN INVESTIGATION. THEY DID DO AN INVESTIGATION IN WHAT THEY SAID, A LITTLE BIT DIFFERENT THAN MR. RHOADES PUT UP, HERE I QUOTE, IT IS THE CARTER AND BURGESS TEAM'S OPINION THAT THE FORMER INDUSTRIAL WASTE MATERIALS MANAGEMENT SITE AT THE AUSTIN COMMUNITY OR ACL POSES A SUBSTANTIAL ENVIRONMENTAL RISK AND POTENTIAL FUTURE LIABILITY TO THE OPENERS AND USERS OF THAT SITE. THAT LIABILITY HAS NOT DISAPPEARED, FOLKS. THERE WAS AN ATTEMPT TO

MOVE THE WASTE, THERE WAS A LATER INVESTIGATION, BY A FIRM AND IF GENERAL WHAT THEY FOUND IS THAT INDUSTRIAL HAZARDOUS WASTE WAS AT THE SURFACE, THAT IT RAN FROM SOIL WITH YELLOW BLACK DISCOLORATION AND CHEMICAL WATERS AND FLUIDS AND CRYSTALS AND SMELLY STUFF AND OILY STUFF IN THE -- IN THE PERCENT RANGE, NOT THE PARTS PER MILLION OR PARTS PER BILLION RANGE WE USUALLY SEE. SOME OF THE CONTAMINANTS FOUND WERE PESTICIDES, PCB'S, FURINES, CYANIDES, VARIOUS HEAVY METALS, CHLORINATED AND NON-CHLORINATED MATERIALS, SOLVENTS WERE FOUND 30 FEET INTO THE UNWEATHERED CLAY UNDERNEATH THIS SITE. THAT'S NOT SUPPOSED TO HAPPEN, BUT IT DID. FLUID IS ENCOUNTERED IN NEARLY EVERY BOTHER HOLE A FEW FEET BELOW THE SURFACE. THEY HAD TO WITHDRAW THE AUGUSTERS, STUFF IT FULL OF BENTONITE TO KEEP IT FROM BLOWING OUT OF THE SURFACE. FLOWING. THEY FOUND ALSO MUNICIPAL WASTE WAS INTERMIXED WITH THE INDUSTRIAL WASTE WHERE IT WAS NOT SUPPOSED TO BE AND FILLED THE CREEK WHERE IT WAS NOT SUPPOSED TO BE TO THE SOUTHWEST. IN FACT IT'S FOUND THAT THE CREEK WAS RAISED SOME 20 FEET. THIS WAS TO PREVENT THE SEEPAGE OUTBREAKS. HESSCAL-WISE -- HISTORICAL WISE, MONITORING WELLS ON SITE, ONE DIDN'T WORK VERY WELL, THE OTHER SHOWED VARIOUS CONTAMINATIONS [BUZZER SOUNDING] LET ME WIND UP BY SAYING THERE'S BEEN A HISTORY OF LANDFILL GAS PROBLEMS, ODOR PROBLEMS, THIS SITE IS A MESS. IT MAY HAVE IMPROVED IN OPERATION, BUT IT'S STILL A MESS AND IT NEEDS A THOROUGH, COMPETENT AND INDEPENDENT INVESTIGATION. THE CITY WOULD BE ILL ADVISED TO CONTRACT TO PUT WASTE THERE, THANK YOU.

Mayor Wynn: THANK YOU, DOCTOR KEIR, DENNIS HOBBS, WELCOME, THREE MINUTES, FOLLOWED BY LISA MARIE RUSSELL.

GOOD EVENING, MAYOR, COUNCILMEMBERS, MY NAME IS DENNIS HOBBS WITH TEXAS DISPOSAL SYSTEMS. IN 1999 THE CITY COUNCIL AND STAFF REFUSED TO USE THIS FACILITY BASED ON YOUR OWN CARTER BURGESS STUDY. THAT INDICATED THE -- THE POTENTIAL ENVIRONMENTAL RISK. I PROFESS NOTHING HAS OCCURRED SINCE 1999 TO

CHANGE THAT ENVIRONMENTAL LIABILITY. SINCE THAT TIME, WASTE MANAGEMENT HAS PROVIDED VERY, VERY LOW COMPETITIVE BIDS, THE TWO BIDS THAT ARE AT STAKE TONIGHT. YOU ALL KNOW WE HAVE BEEN HERE BEFORE, THIS IS A SUPER EXTREMELY COMPETITIVE BUSINESS. BOTH OF THESE BIDS, WASTE MANAGEMENT WAS ON ONE BID 20% LOWER THAN THE SECOND BID AND IN ANOTHER CASE 23% LOWER. OTHER BIDDERS IN THIS GROUP WERE 3 AND 6% APART. WHAT IS HAPPENING IS IN MY VIEW WASTE MANAGEMENT IS ATTEMPTING TO EFFECTIVELY BUY YOUR ENDORSEMENT ON THEIR POTENTIAL EXPANSION OF THE FACILITY. IF YOU -- IF YOU PUT WASTE, \$8 MILLION WORTH OF WASTE IN THERE, AND THEY ARE PERMITTING AN EXPANSION, IT'S GOING TO BE VERY, VERY DIFFICULT FOR YOU TO OPPOSE THIS FACILITY. THEY ARE GETTING YOUR ENDORSEMENT, IN MY OPINION, BY DOING THESE VERY, VERY LOW BIDS. AND COMING IN TO OBTAIN THIS WASTE. I REQUEST THAT YOU DO NOT AWARD THESE TWO CONTRACTS, TOTALLYING ALMOST \$8 MILLION. I FIRMLY BELIEVE THAT YOU WILL SEE THE WISDOM OF NOT USING THIS, IF YOU LOOK AT THE CARTER BURGESS STUDY. I HAVE A COPY OF IT HERE. I'LL PASS -- GIVE IT TO YOU. IT CLEARLY INDICATES THE POTENTIAL LIABILITY TO USER OF THIS SITE. AGAIN, THAT LIABILITY IS STILL THERE, HASN'T GONE AWAY. THANK YOU VERY MUCH FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. HOBBS, LISA MARIE RUSSELL. WELCOME, YOU WILL BE FOLLOWED BY WILLIAM BRICE.

I'M HERE ON BEHALF OF OUR DIRECTORS AND THE 30 SOME ODD BUSINESSES THAT ARE REPRESENTED IN THE WAREHOUSE DISTRICT THAT WISH TO BECOME PART OF THIS CONTRACT. I'M HERE TO VOICE OUR CONTINUING SUPPORT FOR THE EXPANSION OF THIS REFUSE CONTRACT IN THE WAREHOUSE DISTRICT. WE HAVE BEEN WORKING WITH THE CITY AND THE DOWNTOWN AUSTIN ALLIANCE SINCE AT LEAST 2001 TRYING TO PULL OUR PART OF THE COMMUNITY INTO THE DOWNTOWN SERVICE CONTRACT. AS A DISTRICT WE BELIEVE THIS CONTRACT TO BE VERY BENEFICIAL AS IN KEEPING OUR ALLEYWAYS CLEAN, REDUCING THE SMELL, THE INSECTS, THE VERMIN THAT SEEM TO PENETRATE ALL OF OUR ALLEYWAYS. ALSO, IMPROVING THE USABILITY FOR PEDESTRIANS AS WELL AS

ELIMINATING THE TRASH OVERFLOW PROBLEMS THAT WE SO OFTEN HAVE IN OUR DISTRICT AS WELL AS WHAT WAS SEEN ON SIXTH STREET THAT NOW HAS REALLY BECOME -- HAS BECOME MUCH IMPROVED. IN THAT AREA. AS WELL I WORK FOR SABA BLUE WATER CAFE, LOCATED AT 208 WEST FOURTH STREET. WE HAVE HAD CONTRACTS BY TEXAS DISPOSAL SYSTEMS AND OTHER SERVICES AND WE HAVE CANCELLED THOSE CONTRACTS. NOT ONLY BECAUSE WE WISH TO BECOME PART OF THIS GROUP, BUT DUE TO LACK OF SERVICE, LACK OF ABILITY TO GET GOOD SERVICE DOWN IN OUR AREA WHEN WE DO HAVE OVERFLOW AND OTHER EVENTS THAT CAUSE SUCH ISSUES. AS WELL AS THEIR SKYROCKETING RATES AND HAVING A HARD TIME GETTING ANY SORT OF REAL CUSTOMER SERVICE OUT OF THEM. THE AUSTIN WAREHOUSE DISTRICT ASSOCIATION WOULD LIKE TO BE INCLUDED IN THIS REFUSE CONTRACT. WE ENDORSE THE CITY'S PLAN AS WELL AS THE SERVICES THAT SOLID WASTE MANAGEMENT HAS TO OFFER. THANK YOU, IF YOU ALL HAVE ANY QUESTIONS I WOULD BE HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU MS. RUSSELL.

FOLLOWED BY ROB [INDISCERNIBLE] FOLLOWED BY ROBIN SCHNIEDER.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS AND CITY MANAGER. MY NAME IS BILL BRICE, I'M THE DIRECTOR OF SECURITY AND MAINTENANCE PROGRAMS WITH DOWNTOWN AUSTIN ALLIANCE AND WITH ALL RESPECT DUE TO THE INDIVIDUALS AND ISSUES THAT HAVE BEEN PRESENTED PRIOR, I AM HERE REPRESENTING THE DOWNTOWN AUSTIN ALLIANCE AND OUR APPROXIMATELY 500 DOWNTOWN PROPERTY OWNER MEMBERS TO ASK FOR YOUR SUPPORT ON -- ON ONLY ONE PART OF THIS, WHICH IS A MEASURE TO EXPAND THE EXISTING DOWNTOWN REFUSE SERVICE AREA. AS MS. RUSSELL IDENTIFIED, THE DOWNTOWN AUSTIN ALLIANCE AND CITY STAFF AND DOWNTOWN BUSINESSES AND PROPERTY OWNERS HAVE BEEN WORKING ON THIS FOR QUITE SOME TIME. I THINK WE ARE VERY HAPPY THAT WE HAVE FINALLY COME TO A POINT TO HAVE A PROPOSAL FROM CITY STAFF THAT WE ARE SUPPORTING AND ASKING

FOR YOUR SUPPORT ON AS WELL. WE HAVE AN EXISTING MODEL, CALLED THE DOWNTOWN REFUSE OWNER OR OTHERWISE KNOWN AS THE T CONTRACT ZONE THAT IS WORKING VERY WELL TO KEEP DOWNTOWN ALLEYS, ESPECIALLY ALLEYS WHERE THERE ARE HIGH DENSITIES OF RESTAURANT AND BAR TYPE OF BUSINESSES, VERY, VERY CLEAN. ESPECIALLY RELATIVE TO THOSE THAT ARE NOT LOCATED IN THE -- RELATIVE TO ALLEYS THAT ARE NOT LOCATED WITHIN THAT CONTRACT SERVICE ZONE. IT'S A LARGE PART OF MY RESPONSIBILITY ON THE CLEANLINESS SIDE, ALWAYS A HIGH PRIORITY TO MONITOR THE CONDITIONS NOT ONLY ON OUR STREETS, BUT ALSO IN THE ALLEYS, ALONG THE -- AMONG THE NOT TO PLEASANT PARTS OF MY JOB BUT AN IMPORTANT PART. WE RECOGNIZE THE ALLEYS TO BE A SOURCE OF LITTER, RODENTS AND ODORS. THE ALLEYS IN THE CONTRACT ZONE ARE FAR YOU AND AWAY CLEANER AND IN BETTER CONDITION THAT THOSE THAT ARE NOT. THE WAY THE EXISTING T MODEL WORKS IS FOR A LOT OF REASONS. SOME OF THE BENEFITS THAT WE SEE FROM THAT IS THERE IS ONE HAULER THAT PROVIDES THE SERVICE FOR THAT AREA. THAT MEANS LESS TRUCK TRAFFIC IN THE ALLEYS THAT ARE VERY BUSY BECAUSE OF THE NATURE OF THOSE BUSINESSES. ALREADY VERY BUSY. THERE'S ALSO ONE POINT OF CONTACT TO CALL IN THE EVENT OF ANY PROBLEMS AND THAT MAKES IT A LOT EASIER. WHEN WE SEE THE PROBLEMS IN THE ALLEYS THAT YOU ARE LOOKING AT PICTURES OF RIGHT NOW, WHAT WE GET, WHEN WE CALL CODE ENFORCEMENT, WHAT THEY GET IS IT'S NOT MY MESS, IT'S SOMEONE ELSE'S, I CAN'T DO ANYTHING ABOUT IT. IT'S ALSO NOT THE HALLERS RESPONSIBILITY TO GO OUT THERE AND CLEAN UP THE MESS BECAUSE SOMEBODY ELSE PUT IT THERE. THE BENEFITS ARE THAT YOU HAVE ONE HAULER, SEVEN DAYS A WEEK SERVICE. MANDATED IN THAT AREA. SOMEONE GOES BEHIND WHEN THE DUMPSTERS ARE EMPTIED, PICKS UP ALL OF THE LITTERS, CLEANS UP THE ALLEY, THEY IDENTIFY GREASE SPILLS OR OTHER ISSUES, PERHAPS ILLEGAL DUMPING OF THINGS THAT NEED TO BE REMOVED BY A TRUCK OTHER THAN THE SIDE LOAD REFUSE TRUCK THAT GOES INTO REMOVE IT. THE ALLEYS ARE FLUSHED SEVERAL DAYS A COLD WATER FLUSH TO CLEAN THEM ADDITIONALLY. AND THERE IS ALSO RECYCLING SERVICES FOR CARDBOARD

WASTE THAT IS SIGNIFICANT AGAIN WHEN YOU HAVE BAR AND RESTAURANT BUSINESSES. [BUZZER SOUNDING] THE PHOTOGRAPHS, IF I MAY HAVE A FEW MORE SECONDS, THE ONE THAT YOU HAVEN'T SEEN, THESE ARE VISITORS THAT WERE IN THIS ALLEY THE SAME DAY THAT I TOOK THE PICTURES OF THE WEST FIFTH STREET SOUTH ALLEY. THIS IS NATALIE FROM BELGIUM WHO WERE VISITING AUSTIN. THEY WERE HERE AND SAID WE HAD TO TAKE PICTURES OF THIS BECAUSE EVERYWHERE ELSE THAT WE HAVE BEEN IN THE UNITED STATES AND IN AUSTIN HAS BEEN SO PRISTINE THAT WE COULDN'T BELIEVE THE MESS WE SEE HERE, WE HAVE TO SHOW ALL OF OUR FRIENDS BACK HOME. THIS AFFECTS OR RESIDENTS, VISITORS, LOCAL HAVEN'TORS WHO ALL USE DOWNTOWN AND WE WOULD ASK FOR YOUR SUPPORT IN EXPANDING THE REFUSE ZONE TO HELP KEEP DOWNTOWN A LOT CLEANER. THANK YOU VERY MUCH.

THANK YOU, MR. BRICE.

MELANIE MACAFEE. WELCOME, FOLLOWED BY ROBIN SCHNIEDER.

HELLO, MY NAME IS MELANIE MACAFEE, I OWN AND OPERATE A BUSINESS IN THE AREA LONGER THAN WASTE MANAGEMENT HAS BEEN THERE. AND I WOULD LIKE TO SHARE KIND OF A BIGGER PICTURE THAT I THINK NEEDS TO BE LOOKED AT WHEN YOU MAKE THIS DECISION. THAT IS THAT WE ARE AT A MOMENT WHEN THERE IS A LOT GOING ON WITH LANDFILLS IN OUR REGION. WASTE MANAGEMENT AT THIS TIME HAS FILED AN APPLICATION FOR EXPANSION, B.F.I. IS ALSO FIXING TO FILE FOR EXPANSION, WE ARE AT A TURNING POINT AND LUCKILY BETTY DUNKERLY HAS APPOINTED A LONG-RANGE SOLID WASTE TASK FORCE AND WHICH I'M A MEMBER OF AND WE ARE LOOKING HARD AT WHAT WE ARE GOING TO DO WITH OUR WASTE STREAM. AUSTIN IS AT A TIPPING POINT OF WHERE WE ARE GOING TO GO. THERE ARE SOME OF OUR LANDFILLS THAT DO THE RIGHT THING, WITH RECYCLING AND TRYING TO REDUCE WASTE AND OTHERS SUCH AS WASTE MANAGEMENT THAT DO NOT AND HAVE NO -- NO FACILITIES. IT IS IMPORTANT THAT WHEN YOU THINK ABOUT WHERE YOU AWARD THESE CONTRACTS, THAT -- THAT AS THEY GO THROUGH THIS PERMIT PROCESS, IN THE NEXT FEW MONTHS, WHETHER OR

NOT YOU GIVE THEM THIS CONTRACT, WHAT COULD HAVE A BIG BEARING ON WHETHER OR NOT THEY GET THE PERMIT AND -- AND I CAN ASSURE YOU THAT WE WILL BE COMING FORWARD IN THE NEXT FEW MONTHS TO GET YOUR ENDORSEMENT AND TO TELL YOU MUCH MORE ABOUT WHAT IS HAPPENING. SO NOT ONLY IS IT FOR ME AN ISSUE FOR WHETHER OR NOT WHERE THE TRASH GOES, BUT THE FUTURE OF RECYCLING AND REDUCING OUR WASTE. THAT THEY ARE ALL INTERCONNECTED AND REPRESENTED AND ISSUES THAT NEED TO BE LOOKED AT IN THIS BIG PICTURE. AND THAT IS NOT JUST A BOMB LINE AND I -- I AGREE -- THAT -- THAT THEY HAVE -- THAT THEY HAVE PUT THEIR PRICE SO LOW BECAUSE THIS ENDORSEMENT IS SO IMPORTANT. SO -- SO WITHOUT SEEING ALL OF THE OTHER PIECES, IT COULD BE VERY MISLEADING. THANK YOU.

THANK YOU, MS. MACAFEE. WELCOME BACK, MS. SCHNIEDER.

THANK YOU. FOR THE RECORD ROBIN SCHNIEDER, TEXAS CAMPAIGN FOR THE ENVIRONMENT. FIRST I WANT TO THANK THE MAYOR FOR EARLIER THIS SUMMER SIGNING THE WORLD ENVIRONMENT DAY ACT CORDS WHICH -- AND COMMITTING AUSTIN TO A GOAL OF ZERO WASTE BY 2040. I THINK IT'S A GOAL THAT WE NEED TO SHOOT FOR. AND DO OUR DARNEDEST TO GET TO. I LOOK FORWARD TO WORKING WITH THE COUNCIL ON THAT. FOR THE ISSUE AT HAND, THERE'S THE ISSUES AROUND THE CARTER BURGESS STUDY AND THE OLD INDUSTRY WASTE UNIT AND THE LIABILITY ISSUES IF -- IF THE CITY PUTS GARBAGE IN THAT LANDFILL THOSE ISSUES ARE VERY REAL, VERY SERIOUS. NOT ONLY FOR YOU AS THE CITY IN YOUR GARBAGE AND ME AS A TAXPAYER AND MY FUTURE TAX BILLS, BUT ALSO FOR THE DOWNTOWN BUSINESS OWNERS. AND I -- I WANT TO CALL TO YOUR ATTENTION THAT THE ARTICLE THAT TREK SUPPLIED YOU WITH ABOUT THE \$50 MILLION CLEANUP THAT'S FOR 1200 BARRELS. WE ARE TALKING ABOUT 21,000 BARRELS. OF INDUSTRIAL WASTE AT THE WASTE MANAGEMENT INDUSTRIAL WASTE UNIT THAT AT SOME POINT IS GOING TO HAVE TO BE DEALT WITH. AND DO WE WANT THE TAXPAYERS OF AUSTIN ON THE HOOK FOR THAT OR NOT? YOU MADE A WISE DECISION BEFORE WHEN YOU DECIDED NOT TO PUT RESIDENTIAL GARBAGE IN THERE. I

THINK THAT YOU SHOULD VOLUME IN THAT VEIN ON THIS. THERE'S ALL OF THOSE OLD ISSUES. THEN THERE'S THE NEW ISSUES OF THE CONTINUING ODOR PROBLEMS. THE FLOCKS OF BUZZARDS THAT WERE AROUND THE WASTE MANAGEMENT AND B.F.I. LANDFILL JUST EARLIER THIS YEAR. THE WASTE MANAGEMENT SITE, THE NEW AREAS THAT HAVE THE LINERS, ARE NOT BEING RUN WELL, EITHER. THIS COMPANY IS KNOWN FOR BEING A BAD ACTOR. SO MUCH SO THAT IN THE STATE OF INDIANA WHERE THEY HAVE A BAD BOY LAW, WASTE MANAGEMENT WAS TOLD YOU CAN'T OPERATE IN OUR STATE. SO -- WE HAVE TO BE AWARE OF THE PATTERN, NOT JUST AT THIS LANDFILL, WHICH HAS BEEN HORRENDOUS, BUT ACROSS THE COUNTRY. THERE IS I THINK A SHORT-TERM WAY FOR THE COUNCIL TO PROCEED WHICH WAS DISCUSSED AT THE S SWAC MEETING, JERRY FROM SWAC IS HERE, HOPEFULLY HE CAN ADDRESS THIS IN MORE DEPTH, WHICH IS TO DO A MONTH BY MONTH EXTENSION OF THE CURRENT ARRANGEMENT. ALSO PUT A PROVISIO IN THAT THE WASTE SHOULD NOT GO TO THE NORTHEAST TRAVIS COUNTY SITE, KNOWN AS AUSTIN COMMUNITY LANDFILL. UNTIL YOU CAN COME UP WITH A BETTER SOLUTION. WE ARE VERY CONCERNED ABOUT PURPOSEFUL UNDERBIDDING AND AS I MENTIONED EARLIER TODAY, WE BELIEVE THAT THE CITY HAS TO GIVE A BROADER LOOK THAN JUST THE LOWEST BIDDER WHEN IT COMES TO FACILITIES SUCH AS THESE THAT HAVE A HUGE LONG-RANGE IMPLICATIONS IN TERMS OF PUBLIC HEALTH AND THE ENVIRONMENT. AND WHEN YOU TALK ABOUT ODORS, NAUSEOUS OWED -- NOXIOUS ODORS FROM LANDFILLS, HYDROGEN SULFIDE, MERCURY EMISSIONS [BUZZER SOUNDING] A WHOLE HOST OF GASES THAT ARE NOT JUST UNPLEASANT BUT UNHEALTHY TO BE AROUND.

Mayor Wynn: THANK YOU, MS. SCHNIEDER, I'M TOLD OUR SIGN UP SYSTEM IS ON THE BLINK, JERRY ACUNA HAS BEEN TRYING TO SIGN UP. WELCOME, NEXT SPEAKER FOLLOWED BY JANET KLOTZ.

MAYOR, COUNCIL, CITY MANAGER, STAFF. THANK YOU GUYS VERY MUCH FOR YOUR COMMITMENT. I ACTUALLY THOUGHT THESE MEETINGS ENDED AT ABOUT 7:00. OBVIOUSLY I AM VERY, VERY WRONG ABOUT THIS. BUT ANYWAY I'M JERRY ACUNA, I CHAIR THE SOLID WASTE ADVISORY COMMISSION,

AS A COMMISSION WE HAD AN OPPORTUNITY TO REVIEW THE ITEMS THAT WE PRESENTED BEFORE YOU. I CAN -- I CAN AGREE WITH MR. BRICE AND WITH MS. RUSSELL AND THAT -- IN THAT THE DOWNTOWN AREA WAS IN NEED OF SOME CLEANING UP. IT WAS AN AREA THAT -- THAT AT TIMES WAS AN EMBARRASSMENT TO THE CITY. NOW, WE AGREE WITH WHAT WE HAVE IN FRONT OF YOU RIGHT NOW, THAT IS A CONTRACT THAT CALLS FOR SEVEN ADDITIONAL BLOCKS TO BE PART OF THIS -- OF THIS AGREEMENT. OUR CONCERN IS THAT -- AS AN ADVISORY COMMISSION ARE THE AT THAT THE CONTRACT IS EVENTUALLY GOING TO BE IMPLEMENTED. WE ARE HOPING THAT THE -- THAT THE CONTRACT IS A SMOOTH TRANS TRANSITIONAL TYPE OF AGREEMENT IN WHICH THE CURRENT PROPERTY OWNERS ARE ALLOWED TO -- TO LIVE THE LIFE OF THEIR CURRENT AGREEMENTS WITH THEIR PRIVATE HAULERS. AND AT THAT POINT IN TIME, THE SMOOTH TRANSITION WOULD OCCUR WITH THE -- WITH THE NEW PROVIDER, WHICH IS WASTE MANAGEMENT. THAT'S THE ISSUE THAT WE HAVE RIGHT NOW AS FAR AS THE -- AS FAR AS THE -- THE SOLID WASTE ADVISORY COMMISSION IS CONCERNED. WE WANT TO MAKE SURE THAT THIS IS A SMOOTH TRANSITION. AND THAT -- THAT THE PROPERTY OWNERS AND THAT THE CITY OF AUSTIN DOES NOT EVENTUALLY BECOME LIABLE FOR ANY -- FOR ANY LITIGATION THAT MAY OCCUR BETWEEN THE CURRENT CONTRACTS AND ANY -- ANY BREACH OF THESE AGREEMENTS. WE WANT TO MAKE SURE THAT THE CITY DOESN'T HAVE ANY LIABILITY IN ANY WAY, SHAPE OR FORM. THAT'S WHY I'M HERE TO SPEAK ON THAT, ON THAT ITEM. THERE WAS SOME OTHER THINGS THAT WERE -- THAT WERE MENTIONED HERE. I'VE -- I'VE HEARD PEOPLE ALLUDING TO THE -- TO THE LANDFILL ISSUES AND COUNCILMEMBER DUNKERLY YOU HAVE -- YOU HAVE APPOINTED A COMMITTEE, A TASK FORCE, AND WE ARE CURRENTLY REVIEWING THE LONG-TERM SOLID WASTE ISSUES WITH THE CITY OF AUSTIN. AND THOSE ISSUES ARE GREAT. I MEAN, THESE ARE ISSUES THAT ARE GOING TO AFFECT US. THESE ARE ISSUES THAT ARE GOING TO -- TO BASICALLY BE ASKING THE CITIZENS OF AUSTIN, THE RATEPAYERS OF AUSTIN TO SPEND, EXPEND DOLLARS AND CENTS. AND AS A -- AS A RATE PAIR, AS A CITIZEN, I WANT TO MAKE SURE THAT WHATEVER WE DECIDE TO DO AS A CITY, IT'S A WELL

THOUGHT OUT PROCESS. AND I THINK THIS PLAN IS GOING TO REVIEW EVERY ASPECT OF SOLID WASTE, BE IT THE LANDFILLS, BE IT COLLECTION, YOU NAME IT. IT'S ALL GOING TO BE ADDRESSED AND OUR SCOPE OF WORK HOPEFULLY WILL BE PRESENTED TO YOU NEXT WEEK AT -- AT YOUR 2:30 BRIEFING. AT THAT POINT WE CAN ADDRESS THE LANDFILL ISSUES. WHICH AGAIN ARE EXTREMELY IMPORTANT TO THE NORTHEAST CITIZENS OF THIS COMMUNITY. AGAIN THANK YOU FOLKS VERY MUCH FOR YOUR CONSIDERATION AND TIME.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL? LEFFINGWELL BACKUP INDICATES THAT YOUR COMMISSION REVIEWED ITEMS 31 AND 63 BUT AHEAD NO RECOMMENDATION OR COMMENT. AND YOU REVIEWED AND RECOMMENDED APPROVAL OF ITEM NO. 32. 34 I HAVE NO MENTION OF ANYTHING. COULD YOU --

CORRECT. WE HAD THE ITEMS PRESENTED AND OUR CONCERN AGAIN, REAL BRIEF HISTORY HERE, THE ORIGINAL EXPANSION WAS GOING TO INCLUDE LAMAR AS YOUR WESTBOUND DEAR, I-35 AS YOUR EASTBOUND DEAR, THE CAPITOL AS YOUR NORTHBOUND DEAR AND CESAR CHAVEZ SOUTHERN BOUNDARIES, THAT IS A VERY LARGE, LARGE GROUP OF -- OF PEOPLE, OF BUSINESSES THAT WERE GOING TO BE AFFECTED. AT THAT POINT, WE HAD SOME OPPOSITION, IT WAS NOT STRICTLY FROM THE HALLERS. IN FACT SOME OF THE PEOPLE -- FROM THE HALLERS. SOME OF THE PEOPLE WHO SPOKE AGAINST THAT WERE THE PROPERTY OWNERS, SOME OF THE PROPERTY COMPANIES, I THINK THE GABLES, QUITE A FEW OTHER INDIVIDUALS WHO SPEAK ON THE CONCERN THAT THEY WERE GOING TO BE LOSING THE ABILITY TO SELECT WHO THEIR SERVICE PROVIDERS WERE. WAS THIS A FORM OF EMINENT DOMAIN, HOW WERE WE GOING TO APPROACH THIS. I HAVE TO COMMEND THE DIRECTOR, WE WERE ABLE TO SIT DOWN, WE FORMED A SMALL TASK FORCE, THIS TASK FORCE CAME UP WITH A WITH A PLAN. THE PLAN WAS TO MEMBERSHIP UNITED STATES THE AREA TO THE WAREHOUSE DISTRICT WHERE THE ACTUAL PROBLEMS LIE AT THIS POINT. THEY ARE. I HAVE DRIVEN THAT AREA. I TELL YOU WHAT, I HAVE FOUND MYSELF BEING VERY EMBARRASSED AT TIMES. WE WERE ABLE TO IDENTIFY THOSE AREAS, WE CAME TO AN

AGREEMENT, A COMPROMISE, IN THAT COMPROMISE THERE WAS A SMOOTH TRANSITION. AT OUR SWAC MEETING, AT OUR ORIGINAL SWAC MEETING, WE WERE NOT GIVEN THE GUARANTEE THAT THAT WAS -- THAT THERE WAS GOING TO BE A SMOOTH TRANSITION, BECAUSE OF THAT WE COULD NOT SUPPORT THE ITEM COMPLETELY. AND AT OUR LAST MEETING, I MIGHT ADD THAT WE WERE ABLE TO GET THE DIRECTOR TO GIVE US GUARANTEED REST SIEWTION THAT THERE WOULD BE A SMOOTH TRANSITION AND THE TRANSITION WOULD OCCUR WHEN THE CONTRACTS EXPIRED WITH THEIR CURRENT SERVICE PROVIDERS. SO I HOPE THAT ANSWERS YOUR QUESTION HERE, IF NOT --

Leffingwell: WHAT I WAS TRYING TO GET AT EARLIER WAS I CERTAINLY AGREE WITH THE CONCEPT OF A SINGLE PROVIDED IN THE AREA SO THAT IF -- YOU HAVE ACCOUNTABILITY AND CAN CONTROL YOUR CIRCUMSTANCES, BUT -- BUT ON NUMBER 30, 32, ITEM 32, YOUR BOARD RECOMMENDED THIS, WHICH IS A A 12 MONTH SERVICE AGREEMENT WITH WASTE MANAGEMENT OF TEXAS INCORPORATED. IS THAT CORRECT?

THAT'S CORRECT.

AND THAT REALLY -- THAT'S A GENERAL THING, DOESN'T -- NOTHING REALLY HAVE TO DO WITH THE DOWNTOWN AREA OR --

ACTUALLY, THAT IS ON THE OWE IS THAT THE ITEM? LET ME ASK STAFF HERE BUT I THINK THAT WAS THE ITEM ACTUALLY ADDRESSING THE ENTIRE CITY DUMPSTER CONTRACT. WE HAD NO ISSUE WITH THAT AT THIS POINT? NOW AGAIN THAT IS NOT AN ISSUE, I THINK I HEARD A LOT OF THE CITIZENS SPEAK ON BEHALF OF THE NORTHEAST AUSTIN NEIGHBORHOODS, AND THEIR ACTUAL FIGHT WITH THE LANDFILLS. NOW, OUR JOB AND OUR RESPONSIBILITY IS TO ADDRESS THOSE ISSUES AND THOSE ISSUES ONLY AND WE DID ADDRESS THOSE AND THE CONTRACT WAS ONE OF WHICH THE LOW BIDDER WAS GIVEN THAT. NOW, THE OTHER CONTROVERSIAL OR SEMI CONTROVERSIAL ITEM WAS THAT THE DOWNTOWN T, EXPANSION OF THAT, AGAIN THERE WAS A COMPROMISE REACHED. THE EXPANSION WAS MINIMIZED

TO THE WAREHOUSE DISTRICT.

YOU MADE NO RECOMMENDATION OF THAT?

WE EVENTUALLY DID. >

I'M JUST GOING BY THE BACKUP.

NOW SELECTING ON THURSDAY -- ASKING FOR THE TRANSITION TO OCCUR, AT THAT POINT WE FELT THAT THE ITEM COULD BE SUPPORTED. BASED ON THE CONTRACT THE WAY IT WAS.

31 IS SPECIFIC TO -- TO THE SERVICE AGREEMENT WITH WASTE MANAGEMENT FOR THE DOWNTOWN AREA. 63, IF I READ IT CORRECTLY, NOT SPECIFIC. IT JUST APPROVES THE CONCEPT OF A CONSOLIDATED SERVICE AREA; IS THAT CORRECT, MR. RHOADES? AND -- AND YOU SUBSEQUENT TO THE PRINTING OF THIS, YOU ALSO APPROVED THAT ONE, 63?

AS LONG AS THERE'S A SMOOTH TRANSITION IN THAT YES, WE DID APPROVE THAT. AS LONG AS THE TRANSITION DID NOT INFLICT ANY HARM ON THE CITY OF AUSTIN, BREACHING OF CONTRACTS, ENFORCING THE CITY INTO POSSIBLE LEGAL HEADACHES.

OKAY.

Leffingwell: THANK YOU VERY MUCH. THANKS FOR YOUR SERVICE ON THE COMMISSION.

THANK YOU. JANET KLOTZ, OUR LAST SPEAKER THIS EVENING.

THANK YOU MAYOR AND COUNCILMEMBERS. I'M JANET CLOTZ. I WOULD ALSO ASK THAT YOU NOT GRANT CONTRACTS TO WASTE MANAGEMENT FOR LANDFILL. THE -- THE SPEAKERS BEFORE ME, SOME OF THEM HAVE GIVEN YOU VERY GOOD, THANK YOU, VERY WELL FOUNDED INFORMATION REGARDING THE INDUSTRIAL WASTE SITE. I WAS ONE OF THOSE INVOLVED IN THE PROCESS OF THE CITY CONTRACTS WITH WASTE MANAGEMENT, B.F.I., SINCE 1998 OR WHENEVER IT WAS WE STARTED ON THIS. I HAVE

HERE THE SITE INVESTIGATION REPORT FROM THE YEAR 2000 BY WASTE MANAGEMENT. BURIED IN THIS REPORT IN THE TECHNICAL DATA FROM THE -- IN THE VARIOUS THINGS THAT WERE DONE FOR THE INVESTIGATION, THERE IS -- THERE ARE QUITE A FEW INDICATIONS THAT THERE HAS BEEN MIGRATION. I CAN'T EVEN START -- I'M SORRY. I CAN'T EVEN START TO -- TO GIVE YOU ALL OF THE INDICATIONS THAT ARE SHOWN IN HERE WHEN YOU GET INTO LOOKING AT THE -- AT THE DATA. THERE IS -- WELL, ONE EXAMPLE. THERE WERE FOUR DEEP BORINGS DONE AND -- AND THESE WERE DONE OUTSIDE OF WHERE SUPPOSEDLY THE BARRELS HAVE BEEN BURIED. IN THOSE DEEP BORINGS, THERE WERE INDICATIONS THAT -- THAT THERE WAS MIGRATION FROM THE AREA WHERE THE BARRELS WERE BURIED. SLIGHT CHEMICAL ODOR, BORING NUMBER TWO. AT 33 -- 33 -- 35 FEET. THERE IS A -- THERE IS A -- WHAT IS CALLED A PHOTO IONIZATION DETECTOR THAT IS USED TO SNIFF OR PICK UP ORGANICS AND THE VALUES OF THE PID, PHOTO IONIZATION DETECTOR, SHOULD BE -- APPROXIMATELY 50 TO 75 IN MUNICIPAL SOLID WASTE. OVER 100 WOULD BE WHAT YOU WOULD EXPECT AN INDUSTRIAL WASTE WITH SOLVENTS AND OTHER ORGANICS. IN THIS DEEP BORING NUMBER TWO, AT 29 FEET, THERE IS A -- A READING OF 500 [BUZZER SOUNDING] AND THIS -- THIS -- THIS WOULD -- THIS WOULD -- BEING OUTSIDE OF THE AREA WHERE THE BARRELS IS, THIS WOULD INDICATE MIGRATION. THERE ARE, AS I SAID, THERE ARE NUMEROUS EXAMPLES THAT CAN BE GIVEN TO SHOW THAT THERE IS INDEED MIGRATION. AND THIS -- THIS SITE IS A -- VERY PROBLEMATIC SITE.

Mayor Wynn: THANK YOU, MS. KLOTZ. COUNCIL, THAT'S ALL OF OUR SPEAKERS WHO HAVE SIGNED UP. QUESTIONS, COMMENTS? AGAIN WE CALLED UP ALL OF THESE ITEMS TOGETHER. 31, 32 -- 31 RELATED TO THE DOWNTOWN ALLEYWAY COLLECTION SERVICES, 32 WHICH IS THE CITY DEPARTMENT COLLECTION SERVICES. 34 IS JUST THE OPERATING BUDGET AMENDMENTS AND 63 WAS THE FEE SCHEDULE ORDINANCE THE HEARING. SOME OF THESE HAVE DIFFERENT ISSUES OBVIOUSLY. QUESTIONS, COMMENTS? COUNCILMEMBER DUNKERLY?

Dunkerly: I THINK THAT LATER THIS MONTH HOPEFULLY OUR

SOLID WASTE ADVISORY COMMITTEE AND THE AD HOC COMMITTEE THAT'S NOW INCLUDED THERE, WILL BE BRINGING TO COUNCIL THEIR RECOMMENDATIONS FOR A LONG-TERM WASTE MANAGEMENT PLAN TO GET OUR INPUT AND FINALIZE THE GOALS AND OBJECTIVES OF THAT PLAN. AFTER THAT, MY HOPE IS THAT WE CAN -- WE CAN HAVE A CONSULTANT TO COME IN AND FLESH OUT THE -- THE FINAL LONG-TERM PLAN AS WELL AS THE IMPLEMENTATION STRATEGIES GETTING US DOWN THE ROAD. SO ONE OF THE CONCERNS THAT I HAVE REALLY IS TO STRESS MAYBE TO PURCHASING IN THAT I CAN SEE FROM THESE CONTRACTS THAT WE HAVE A RENEWAL EVERY 12 MONTHS, SO THAT MEANS THAT WE DO HAVE AN ABILITY TO -- TO NOT RENEW IF OUR STRATEGIES AND PLANS LEAD US IN DIFFERENT WAYS. OTHER THAN THOSE RENEWAL TIMES ARE THERE ANY OTHER OUTS IN THE CONTRACT MID-ANNUAL TERM OF ANY KIND? OTHER THAN FOR NON-PERFORMANCE, IS THERE --

GOOD EVENING MAYOR AND COUNCIL, MY NAME IS [INDISCERNIBLE] THE ACTING PURCHASING OFFICER. OUR STANDARD TERMS AND CONDITIONS WE HAVE TERMINATION LANGUAGE, ONE IS THE CITY HAS THE RIGHT TO TERMINATE FOR ANY REASON FOR CONVENIENCE TO THE CITY THERE IS THAT PROVISION IN ALL OF OUR CONTRACTS.

Dunkerly: OKAY. NOT ONLY DO WE HAVE THE ABILITY AND THE RENEWAL DATES, BUT ANY TIME WITHOUT CAUSE, IF WE DECIDE THAT OUR PLAN IS LEAVING US A -- LEADING US A DIFFERENT WAY, WE CAN TERMINATE THOSE CONTRACTS.

THAT IS CORRECT.

ALL RIGHT, THANK YOU.

Thomas: COULD YOU -- THERE WAS SOME STATEMENTS MADE ABOUT -- ABOUT THE -- THE FEES WERE HIRED, THE YOUNG LADY THAT -- THAT LEFT OUT -- ABOUT THE FEES ON THE -- THE TEXAS DISPOSAL SYSTEM, WOULD YOU KNOW WHAT THE PRICE IS OF WHAT -- OPPOSED TO WHAT WASTE MANAGEMENT --

COUNCIL, MAYOR PRO TEM, I DO NOT KNOW THAT

INFORMATION. SHE'S A VENDOR IN THE AREA, SO SHE'S CONTRACTED DIRECTLY WITH A PRIVATE HAULER, SO THEY HAVE DIFFERENT FEES FOR DIFFERENT AREAS.

WOULD YOU TELL ME A LITTLE BIT ABOUT THE BIDDING PROCESS, WHEN THIS WENT DOWN?

OKAY. BOTH OF THESE ITEMS WERE SENT OUT FOR BIDS, CONCERNING THE DOWNTOWN CONTRACT, THIS IS ALLEY SERVICE AND REQUIRES A SIDE LOADER TYPE OF -- A COMPANY WHO HAS SIDE LOADERS. THERE WERE A COUPLE OF COMPANIES IN AUSTIN THAT HAVE SIDE LOADERS CAPABILITY. TYPICALLY IN THE DOWNTOWN AREA THIS CONTRACT HAS BEEN AWARDED TO EITHER TDS OR WASTE MANAGEMENT. THE OTHER HAULER THAT HAS A SIDE LOADER DID NOT BID ON THIS CONTRACT. SO ON THE DOWNTOWN CONTRACT THERE WAS ONLY TWO BIDDERS, T.S.D. AND WASTE -- TDS AND WASTE MANAGEMENT. CONCERNING THE CITY-WIDE CONTRACT, WE HAD, I BELIEVE, FIVE HAULERS BID ON THIS CONTRACT. THEY WERE WASTE MANAGEMENT, TDS, IESI, ALLIED AND THE ONE -- THE ONES THAT I REMEMBER OFF THE TOP OF MY HEAD.

Thomas: ANOTHER QUESTION, I DIDN'T GET THAT INFORMATION I ASKED EARLIER ABOUT FROM THE 1999 CARTER AND BURGESS REPORT. I ASKED EARLIER IN THE MORNING THAT I NEEDED TO GET A COPY OF THAT AND I DIDN'T RECEIVE THAT. THERE ARE SOME -- WE HAVE TALKED ABOUT THIS, THIS CONTRACT, ME AND YOU TALKED ABOUT IT AND CHIEF McDONALD. I ASKED YOU EARLIER I HAVE -- HAVE WASTE MANAGEMENT MET EVERYTHING THAT WE REQUIRED IN THE CONTRACT. BUT I ASKED THE QUESTION ALSO, SAID SOMETHING ABOUT BARRELS, I THINK THE GENTLEMAN THOUGHT THAT I WAS TALKING ABOUT THE BARRELS. I'M TALKING ABOUT THE ONES THAT ALREADY ARE DOWN IN THE GROUND. I WANTED TO KNOW WHERE WAS THE TRASH GOING TO BE DISPOSED, YOU SHOWED THAT. BUT IN THE REPORT, THE CARTER BURGESS REPORT, IT'S SAYING HOW -- ANOTHER THING, WE ARE NOT TESTING -- I THOUGHT WE WERE TESTING THE WATER THAT YOU SAID THAT WE ARE NOT TESTING UNLESS IT'S RAINING IN THE TRIBUTARIES, THAT'S TROUBLING, I THOUGHT WE HAD AN

AGREEMENT TO TEST WATER --

JUST BECAUSE IT'S BEEN CONFUSING TO ME TO LISTEN TO IT, BACK UP AND START WITH THE CARTER BURGESS REPORT SINCE THAT SEEMS TO BE A POINT OF CONTENTION. START THERE. WE DO THE REPORT, WE GET THIS INFORMATION, IT'S NOT GOOD, WHAT DO WE DO WITH IT? YOU SPENDS A YEAR NEGOTIATING, YOU TALK THROUGH WHAT HAPPENED, WHAT CAME OF IT. AS PARTS OF ANSWERING THIS.

BE GLAD TO. I WILL TAKE US UP TO THE POINT AT WHICH THROUGH THE POINT AT WHICH WE GOT AN AGREEMENT. I THINK THAT I WILL ANSWER MAYOR PRO TEM'S QUESTIONS THERE. THE CARTER BURGESS REPORT CAME IN. AS A RESULT OF THAT REPORT, THE CITY CHOSE PHOTO SEND OUR RESIDENTIAL -- NOT TO SEND OUR RESIDENTIAL WASTE TO THIS LANDFILL. WASTE MANAGEMENT, ONE OF THE RECOMMENDATIONS OF THE CARTER BURGESS REPORT WAS ADDITIONAL INVESTIGATION ABOUT THE [INDISCERNIBLE], WHAT -- WHAT WERE THE CONTENTS AND - - AND WAS THERE LEACHATE MIGRATION, BOTH HORIZONTALLY, VERTICALLY, THEY NEEDED ADDITIONAL INFORMATION AND SO WMI UNDERTOOK THAT INVESTIGATION ITSELF. THEY PLACED A NUMBER OF WELLS, MS. ENGLISH MENTIONED THEY HAD PROBLEMS WITH -- WITH PLACING SOME WELLS BECAUSE THEY ENCOUNTERED GARBAGE ADJACENT TO THE IWU. YOU TRY WHEN YOU CAME TO PUT WELLS AS CLOSE AS POSSIBLE SO YOU GET THE BEST IDEA OF WHAT'S HAPPENING TO THE WASTE THAT'S BURIED THERE. THEY SAID THAT THEY WERE UNABLE TO DO THAT. THEY PLACED SOME WELLS FARTHER DOWNGRADENT AND THE TECHNICAL INFORMATION PROVIDED BY THE NEIGHBORS TONIGHT, I DON'T THINK THAT I WOULD DISAGREE WITH ANY OF IT. THEY FOUND VERY, VERY LOW LEVELS OF 1,4-DICHLOROBENZENE IN ONE OF THE WELLS, I BELIEVE, I THINK THEY GOT THE ODOR HITS IN A SECOND WELL, BUT DIDN'T GET ANY GROUND WATER CONTAMINATION IN THAT WELL. IT'S BEEN A WHILE SINCE I HAVE LOOKED AT THE DETAILS OF THAT REPORT. BUT THERE ARE VERY LOW LEVELS. CONSISTENT WHAT WE ARE FINDING TODAY. THE 1-4 THEY HAD BEEN FINDING IN THE RANGE OF 200 PARTS PER BILLION. THE TCEQ ACTION LEVEL

FOR 1-4 DIOXANE FOR A COMMERCIAL FACILITY IS 18,000 PARTS PER BILL. THE 200 PARTS PER BILL THAT THEY ARE FINDING IS AN INDICATOR THAT THERE IS CONTAMINANTS MIGRATING FROM SOMEWHERE, MOST LIKELY THE IWU. WE REVIEWED THAT REPORT, THEY PROVIDED IT TO THE CITY. CERTAINLY PRICKED UP OUR EARS WHEN WE SAW THOSE INDICATIONS. AFTER THE 2,000 REPORT CAME OUT, THE CITY COUNCIL ASKED US AGAIN WHAT ANOTHER -- WHEN ANOTHER CONTRACT CAME BEFORE THE COUNCIL TO LOOK AT THIS ISSUE FURTHER. THAT WAS WHEN WE MET WITH WMI AND DEVELOPED THIS MONITORING AGREEMENT.

AND WE ACHIEVED A COUPLE OF THINGS WITH THE MONITORING AGREEMENT.

NOW, WHEN YOU SAY YOU MET WITH THEM.

WE HAVE NEGOTIATED FOR ALMOST A YEAR. AND AS A RESULT OF -- OF THOSE DISCUSSIONS SOME OF THE CRITICISMS FROM THE NEIGHBORHOOD WERE CORRECT. THEY HAD SOME HOLES IN THEIR WELL PLACEMENT. AND -- AND PARTICULARLY ONE HOLE. THERE WAS THE TRIBUTARY THAT I MENTIONED EARLIER THAT'S IMMEDIATELY ADJACENT TO THE IWU, THEY DID NOT -- THEY WERE NOT ABLE TO PLACE A WELL BETWEEN THE INDUSTRIAL WASTE UNIT AND THAT TRIBUTARY. WE KNOW THAT THE GROUND WATER THERE IS VERY SHALLOW. THE -- THE LIQUIDS WITHIN THE CELL ARE VERY SHALLOW. I WAS PERSONALLY VERY CONCERNED ABOUT THE POSSIBILITY OF CONTAMINANTS MIGRATING THAT SHORT DISTANCE TO THE TRIBUTARY COMING TO THE SURFACE IN THE TRIBUTARY AND MOVING DOWNSTREAM AND BYPASSING THEIR OTHER NETWORK OF WELLS THAT THEY HAD PLACED. SO IT WAS PART OF OUR AGREEMENT, THEY AGREED TO PLACE WHAT'S CALLED A PICOMETER, NOT A MONITORING WELL, A GROUND WATER LEVEL MONITORING DEVICE. THEY AGREED THAT IF THE GROUND WATER CAME CLOSE TO THE LEVEL OF THE BOTTOM OF THE TRIBUTARY, WHICH IS AT THE POINT IT WOULD POTENTIALLY SEEP OUT INTO THE TRIBUTARY, THEY WOULD CONVERT THAT INTO A MONITORING WELL. WE REACHED THOSE, THEY CONVERTED IT INTO A MONITORING WELL. THEY AGREED TO TAKE TWO MORE SAMPLES, WE MET WITH THEM AFTER THAT. TWO SAMPLES, ONE FOUND NO

CONTAMINATION, WE ARE GOING TO SPEAK TO THEM ABOUT TAKING THE SECOND SAMPLE. NOW WE HAVE A WELL BETWEEN THE IWU AND THE -- THE TRIBUTARY. THE OTHER THINGS THAT WE ACHIEVED WITH OUR AGREEMENT IS IN THAT -- IN THAT 2,000 REPORT, THEY MEASURED THE THICKNESS OF THE COVER OVER THE TOP OF THE LANDFILL. IT VARIED FROM A MINIMUM OF TWO FEET WHICH IS A LITTLE ALARMING, THAT'S NOT VERY THICK OVER THE TOP OF THIS - - OF THIS INDUSTRIAL WASTE CELL TO -- IN THE TENS OF FEET, THEY ALSO WERE WORKING ON TOP OF THAT INDUSTRIAL WASTE UNIT. THEY HAD BEEN PLACING VERY LARGE AMOUNTS OF CLAY, THEY HAVE BEEN USING IT SHORT OF A STORAGE AND WORK AREA. THEY COME IN AND SCRAPE MATERIAL OFF, CARRYING IT AWAY, PUT MORE MATERIAL THERE. YOU MAY DAMAGE THE CAP IF YOU ARE DOING THAT, IT NOT APPROPRIATE FOR THIS TYPE OF USE. THEY AGREE TO CEASE THOSE SORT OF OPERATIONS OVER THE TOP OF THE INDUSTRIAL WASTE UNIT, REMOVE THAT VERY LARGE PILE OF CLAY AND GET A MINIMUM THICKNESS OF FIVE FEET OF COMPACTED CLAY OVER THE TOP OF THIS CELL. BECAUSE ONE OF THE THINGS THAT WE WERE CONCERNED ABOUT IS KEEPING WATER OUT OF THE CELL BECAUSE IF YOU PUT WATER IN, IT CAN CARRY THE CONCONTAMINANTS OUT. WE BELIEVE WE HAVE GREATLY REDUCED POTENTIAL IN WATER INTO THE CELL, WE HAVE REDUCED THE POTENTIAL FOR MIGRATION OUT OF THE CELL. WE HAVE ADDITIONAL MONITORING CLOSE TO THE IWU, ROUTINELY MONITORING, VISUALLY MONITORING THE TRIBUTE TERRI FOR TRIBUTARY FOR POSSIBLE SEEPS, IF THOSE SEEPS ARE FOUND THEY SAMPLE THEM. AND THEN -- SO THAT'S WHAT WE ACHIEVED WITH THE AGREEMENT, THEN WE HAVE -- WE ALSO HAVE A -- A SECOND SAFETY NET. THEY -- AT THEIR PROPERTY LINE ALL AROUND THEIR ENTIRE LANDFILL, NOT JUST THE IWU, THEY ARE REQUIRED TO WHAT HAVE ARE CALLED SUBTITLE D MONITORING WELLS. THIS IS A SECOND ROW OF MONITORING WELLS THAT IF IT WAS TO MOVE UNDERGROUND AND GET PAST THEIR MONITORING WELLS, EVENTUALLY IT WOULD -- IT SHOULD REACH THOSE AND BE DETECTED THERE. I'M CONCERNED THAT IF THAT HAPPENED IT MIGHT INTERSECT THE SURFACE WATER FIRST, BUT WE HAVE THE -- THE CLOSEST WELLS TO PREVENT THAT, I BELIEVE. SO WE DO

HAVE SOMEWHAT OF A SAFETY NET THERE. THIS IS A SERIOUS SITE. THERE'S NO QUESTION. I WAS VERY CONCERNED, BEEN VERY CONCERNED ABOUT THIS SITE. I THINK THE AGREEMENT THAT WE HAVE IN PLACE WITH THEM GREATLY IMPROVES THE CONDITIONS THAT CARTER BURGESS LOOKED AT IN 1999. I THINK WE ARE -- WE ARE AN ORDER OF MAGNITUDE SAFER. ARE WE AS SAFE AS IF IT WASN'T THERE? NO. THERE'S NO QUESTION THERE'S 21,000 BARRELS PLUS A LOT OF LIQUID WAS DISPOSSESSED THERE OUTSIDE OF BARRELS. IT'S -- THEY ARE CERTAINLY SOMETHING TO BE CONCERNED ABOUT. CAN IT BE CO-MINGLED WITH MUNICIPAL SOLID WASTE? I THINK THAT'S UNLIKELY. IT'S DOWNGRADENT FROM THE ACTIVE AREA, I DON'T THINK THAT WASTE THAT'S BEING SENT THERE TODAY HAS THE POSSIBILITY OF BEING CO-MINGLED WITH THE INDUSTRIAL WASTE UNIT OR ANYTHING MIGRATING OUT OF IT. THE INDUSTRIAL WASTE UNIT IS BEDDED IN WHAT'S CALLED THE TAYLOR CLAY, VERY TIGHT CLAY, HUNDREDS OF FEET THICK AND EVEN IF LEACHATE IS MOVING OUT OF IT, IT'S LIKELY MOVING VERY, SHE SLOWLY THROUGH THIS CLAY. SO TO ANSWER YOUR QUESTION ABOUT THE SURFACE WATER MONITORING, AT THIS POINT WE ARE STILL ONLY DOING VISUAL MONITORING AND -- AND ALTHOUGH BASED ON THE MOST RECENT REPORT THAT WE JUST RECEIVED ABOUT -- ABOUT A MONTH AGO, I'M GOING TO BE TALKING TO THEM ABOUT -- ABOUT THE POSSIBILITY OF MORE ROUTINELY SAMPLING THAT PISOMETER THAT WE HAVE IN PLACE THAT'S VERY CLOSE AND POTENTIALLY DOING OCCASIONAL SURFACE WATER GRAB SAMPLES ADJACENT TO THE IW YOU, WE WILL HAVE THOSE DISCUSSIONS. HOMEY THAT ANSWERS YOUR QUESTION AND GETS US TO TODAY.

Mayor Wynn: THANK YOU FOR ALL OF YOUR WORK.

Thomas: THAT'S IT, THANK YOU.

Mayor Wynn: AGAIN, WE HAVE FOUR DIFFERENT ITEMS. RELATED IN THAT -- WILLIE RHOADES GETS TO OVERSEE ALL FOUR OF THEM, THAT'S ABOUT IT. SO COUNCIL -- COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR, I DID HAVE A COUPLE OF QUICK

QUESTIONS. NOW THE -- NOW THE ITEMS ARE SET FOR --
ARE RECOMMENDED FOR ONE YEAR CONTRACT WITH --
FOUR ONE-YEAR EXTENSIONS.

YES, COUNCILMEMBER.

Alvarez: IS THERE A REASON THAT THERE'S FOUR
EXTENSIONS OR WHERE DOES THE FOUR YEAR, I GUESS
THE FIVE YEAR LIFE OF THE POTENTIALLY YOU KNOW OF
THESE -- OF THESE CONTRACTUAL OBLIGATIONS COME
FROM? IS THERE --

YES, COUNCILMEMBER. THERE WAS. ONE OF THE THINGS
THAT WE WERE TRYING TO DO IS MAKE SURE THAT WE CAN
GET THE LOWEST PRICE POSSIBLE. WE'VE HAD THESE
CONTRACTS BEFORE THE LAST CONTRACTS THAT WE HAD
WITH WASTE MANAGEMENT THERE HAVE NOT BEEN ANY
INCREASES IN CONTRACTS EACH YEAR. WHAT YOU ARE
SEEING IN THE CONTRACTS ARE DIFFERENT INCREASES FOR
EXAMPLE IN THE DOWNTOWN CONTRACT, THERE IS -- THERE
IS A SIGNIFICANT INCREASE OVER THE EXISTING CONTRACT
AND WHAT WE ARE -- WHAT WE ARE -- WHAT WE PAID
PREVIOUSLY. AND THAT INCREASE IS -- APPROXIMATELY 25%
INCREASE. FOR THE LOW BIDDER. OWNED PARTICLES PER
CUBIC METER IS THAT WASTE MANAGEMENT, ALSO.

WASTE MANAGEMENT, ALSO.

BUT THAT HADN'T GONE OUT FOR BID -- WHEN WAS THE
LAST TIME --

FIVE YEARS AGO.

IT WAS FIVE YEARS AGO?

YES.

AND THEN THE CITY-WIDE CONTRACT IS AN INCREASE OF --
I'M GOING TO SAY IT'S OVER 50%, I DON'T HAVE THAT
INFORMATION BUT IT'S A LARGE INCREASE WE ARE SEEING
THERE, WHAT WE HAVE DONE IS TO MITIGATE THAT ISSUE
WITH THE CITY DEPARTMENT, ONLY ACCEPTED THOSE
PIECES IN THERE WHERE WE TRULY NEED, IMPACTED THE

CITY DEPARTMENTS BY 17% INCREASES OVER THE CITY --
FOR THE CITY DEPARTMENTS.

THAT'S 32?

THE -- THE CITY-WIDE CONTRACT. [ONE MOMENT PLEASE
FOR CHANGE IN CAPTIONERS]

Alvarez: ... THAT PARTICULAR PROCESS. BUT WHAT IS IT THAT
CURRENT CAPACITY, NOT UNDERSTANDING THAT THERE'S A
-- YOU KNOW, YOU'RE TRYING TO ADDRESS A LONG-TERM
CAPACITY ISSUE, YOU KNOW, WITH THE EXPANSION, BUT
WHAT IS YOUR -- THE CURRENT LIFE OF THE LANDFILL
WITHOUT ANY EXPANSIONS?

COUNCILMAN, ONCE AGAIN MY NAME IS STEVE JACOBS WITH
WASTE MANAGEMENT OF TEXAS. AT OUR CURRENT FILL
RATE, AND CAPACITIES ARE DIFFICULT TO TELL AND I'M
GOING TO SOUND KIND OF WEASELY ON THIS, BUT AT OUR
CURRENT FILL RATE WE HAVE BETWEEN 8 AND 12 YEARS OF
REMAINING CAPACITY UNDER OUR EXISTING PERMIT. THAT
COULD CHANGE. WE RECENTLY HAD THE BIG HAIL STORM
GOOD FRIDAY, AND SINCE THAT TIME WE'VE BEEN TAKING A
TREMENDOUS AMOUNT OF ROOFING MATERIAL, AND MY
GUESS IS IN THIS YEAR, BECAUSE EVERY YEAR WE DO AN
AERIAL SURVEY AND TRUE UP THOSE NUMBERS. MY GUESS
IS THIS YEAR IS THAT OUR LIFE WILL HAVE REDUCED A
LITTLE BIT PROBABLY IN THE 8 TO 10-YEAR RANGE WOULD
BE MY GUESS. OUR CURRENT PERMIT THAT WE HAVE FILED
AN EXPANSION ON TO AN ADDITIONAL 70 ACRES OF LAND
DIRECTLY NORTH OF OUR CURRENT PERMITTED FOOTPRINT,
PROJECTIONS ARE THAT WOULD GIVE US ABOUT AN
ADDITIONAL 10 YEARS OF CAPACITY, ONCE AGAIN AT THE
CURRENT FILL RATES. THAT IS SLOWLY WORKING ITS WAY
THROUGH THE STATE PROCESS. IT HAS BEEN DECLARED
ADMINISTRATIVELY COMPLETE, WHICH BASICALLY SAYS
THAT WE HAVE PUT EVERYTHING IN THE RIGHT PLACE IN
THE APPLICATION. IT WILL SOON BE GOING THROUGH A
PUBLIC COMMENT PERIOD ALONG WITH THE TECHNICAL
REVIEW AT WHICH POINT EVERYONE IN THIS ROOM AND A
WHOLE LOT OF OTHER PEOPLE WILL GET AN OPPORTUNITY
TO EXPRESS THEIR OPINIONS ABOUT THE EXPANSION AND

ANY ISSUES WITH IT.

Alvarez: OKAY. BUT EVEN WITHOUT THAT POTENTIAL EXPANSION, THEN THERE'S STILL 8 TO 10 YEARS?

RIGHT. AS I UNDERSTAND THESE CONTRACTS, IT'S ONE YEAR WITH FOUR ONE-YEAR OPTIONS, WE WOULD HAVE SIGNIFICANT CAPACITY ABOVE THAT. IT WOULD BE NO PROBLEM WITH THE CURRENT PERMIT TO FILL THIS CONTRACT.

Alvarez: OKAY. THANK YOU.

Mayor Wynn: QUESTIONS, COMMENTS?

I DO WANT TO RESPOND TO INCREASE FOR THE CITY-WIDE FACILITY CONTRACT, IT'S A 30% INCREASE, NOT 50%. AND WE ARE KEEPING IT AROUND 15 TO 17% INCREASES FOR THE CITY DEPARTMENT.

THANK YOU.

Alvarez: AND I KNOW MS. SCHNEIDER HAD SOMETHING TO SHARE. I'M CURIOUS, SO -- SOMETHING ON THE --

THE ISSUE OF THE CAPACITY. WHEN THERE WERE SO MANY CITATIONS OF THE WASTE MANAGEMENT LANDFILL BECAUSE OF THE ODOR PROBLEMS A FEW YEARS AGO, FINALLY THE AGREED ORDER WENT TO THE COMMISSIONERS, THE TCEQ COMMISSIONERS, IN I BELIEVE IT WAS APRIL OF 2004. AND IN ORDER TO GET A HUNDREDS OF THOUSANDS OF DOLLARS DECREASE FROM THEIR FINE, WASTE MANAGEMENT SAID THEY WOULD LEAVE IN 13 YEARS. AND THE -- KIND OF THE DETERMINING FACTOR OF THIS WAS THAT THE FINES WERE HIGHER BECAUSE WASTE MANAGEMENT IS CONSIDERED A MAJOR AIR POLLUTER. WELL, WHAT WASTE MANAGEMENT SAID IS OH, NO, IF WE LEAVE IN 13 YEARS, WE WILL NOT BE CLASSIFIED AS A MAJOR AIR POLLUTER, SO THEREFORE THE FINES ARE LOWER. AND THEN JUST WEEKS LATER THEY WERE BEFORE THE TRAVIS COUNTY COMMISSIONERS COURT SAYING THEY HAD 16 YEARS TO GO. SO WHEN STEVE JACOBS SAYS HE IS A LITTLE FUZZY ON THESE NUMBERS, HE TOLD THE TCEQ

LAST YEAR OR WASTE MANAGEMENT FOLKS TOLD THE TCEQ THEY WOULD BE OUT OF THERE IN 13 YEARS, AND NOW THEY ARE LOOKING FOR THIS LONGER-TERM EXPLANATION. SO THE AIR POLLUTION ISSUES ARE SOMETHING THAT DON'T GET AS MUCH ATTENTION, BUT I THINK REALLY NEED TO GET SOME ATTENTION BECAUSE IT'S NOT ONLY THE -- THE AIR TOXINS, BUT IT'S ALSO THE GLOBAL WARMING GASES THAT THESE LANDFILLS PRODUCE THAT ARE OF GREAT CONCERN. THE OTHER THING ABOUT THE GASES IS THAT RIGHT NOW, TODAY, THEY ARE IN VIOLATION OF THE -- THE LANDFILL GAS LIMIT. THEY ARE HAVING TO ADDRESS THOSE LANDFILL GAS ISSUES. SO IT'S NOT JUST THE HISTORIC INDUSTRIAL WASTE UNIT, IT'S ONGOING ISSUES AT THIS LANDFILL THAT MAKE IT A PROBLEM LANDFILL.

Alvarez: THANK YOU.

Mayor Wynn: THANK YOU, MS. INSIDER. -- SCHNEIDER.

2013. IT WASN'T 13 MORE YEARS, IT WAS THEY WERE CLOSING IN 2013. SO THANK YOU VERY MUCH FOR CORRECTING ME ON THAT BECAUSE TREK IS THE ONE THAT FOUND THIS IN THE AGREEMENT WITH TCEQ ABOUT HOW THEY GOT THEIR FINES LOWERED. EVEN THOUGH THE FINES WERE LOWERED HUNDREDS OF THOUSANDS OF DOLLARS, IT WAS STILL THE HIGHEST FINE EVER AGAINST A LANDFILL.

Alvarez: THANK YOU.

Mayor Wynn: THANK YOU.

Alvarez: 13, IS THAT WHAT YOU SAID? THAT ACTUALLY FALLS WITHIN THE 8- TO 10-YEAR RANGE. I WAS JUST TRYING TO DO THE MATH.

THEY ACTUALLY ESTIMATED THAT THEY WOULD BE CLOSING IN 2013, WHICH IS ONLY 9 YEARS. AND THAT WOULD AVOID THEM TO REACH THE MAJOR THRESHOLD THAT THE E.P.A. HAS FOR A LANDFILL THAT SIZE, WHICH WOULD HAVE RESULTED IN THEIR FINE BEING A MILLION DOLLARS INSTEAD OF 250.

Mayor Wynn: THANK YOU, MS. ENGLISH. FURTHER

QUESTIONS, COMMENTS? COUNCILMEMBER KIM.

Kim: I WANTED TO SEE IF STAFF CAN TALK ABOUT THE PROBLEMS WITH THE SMELLS. THEY WERE SAYING HERE IN THIS LETTER BY MR. KEER, OF THE CONSULTING COMPANY, THAT OEFRPBOVERTHE LAST ONE AND A HALF YEARS OR MORE NEIGHBORS HAVE COMPLAINED ABOUT TPHAUS ATING STENCH EMANATING FROM THE LANDFILL. AND WHAT THAT HAPPENS, WHAT PROCESSES DO WE HAVE IN PLACE TO DEAL WITH THAT IMMEDIATELY?

GENERALLY THE ODOR COMPLAINTS HAVE BEEN TAKEN UP BY THE TCEQ. THEY HAVE THE JURISDICTION OVER THESE LANDFILLS. THEY REGULATE THEM. WHAT HAPPENED OR WHAT I BELIEVE HAPPENED, AND I THINK THE TCEQ CONCLUDED THE SAME AS WELL, THAT W.M.I. ALLOWED THE LEACHATE INSIDE THEIR MUNICIPAL WASTE LANDFILL TO BUILD UP AND GET VERY DEEP INSIDE THE LANDFILL. WHEN THAT HAPPENS, IT STARTS A PROCESS THAT CREATES LOTS OF HYDROGEN SUL FIGHT GAS, WHICH IS VERY NOXIOUS. AND IT'S MY BELIEF THEY WERE WEREN'T MANAGING THEIR LEACHATE WELL WHICH INCREASED THEIR ODORS, AND THEY ALSO WEREN'T MANAGING THEIR GASES WELL, SO THEY WERE VENTING OFF INTO THE SURROUNDING AREA A LOT OF NOXIOUS GASES AND TCEQ ADDRESSED THAT WITH THEM.

Kim: HOW DID THEY ADDRESS THAT? HOW DID THE LANDFILL ADDRESS THAT?

THE WASTE MANAGEMENT FOLKS CAN PROBABLY SPEAK TO THAT BETTER THAN I CAN. PROBABLY -- THEY PUMPED THE LEACHATE OUT OF THE LANDFILL AND ALSO INCREASED THEIR GAS HANDLING CAPACITIES.

Kim: OKAY. CAN YOU TELL US MORE ABOUT HOW YOU MANAGED THESE PROBLEMS SO THEY DON'T OCCUR?

AND I ACTUALLY HAVE A CHART HERE THAT WE GOT THE NUMBER OF COMPLAINTS LOGGED AGAINST THE TWO NORTHEAST -- BECAUSE THERE'S NO WAY REALLY TO TELL THE DIFFERENCE BETWEEN THE TWO FACILITIES. EVERY QUARTER WE GO TO THE STATE AND GET AN UPDATE ON

THE NUMBER OF COMPLAINTS. AS YOU CAN SEE FROM THIS IN TWOUPT THERE WERE A LOT OF COMPLAINTS. OUR PARTICULAR FACILITY WENT THROUGH A PROCESS WHERE WE LOOKED AT A NUMBER OF DIFFERENT ITEMS, AS MR. LEANIAK MENTIONED THERE WERE LEACHATE PROBLEMS WE WERE ABLE TO CORRECT RELATIVELY QUICKLY. WE WENT IN AND EXPANDED OUR GAS SYSTEM WHICH WE FOUND OUT WAS UNDERSIZED, WE INCREASED IT. AND DURING THE EARLIER PERIODS IN 2002, WE WERE PROCESSING ABOUT 400 CUBIC FEET PER MINUTE THROUGH THE FLARE, THROUGH A SERIES OF UPGRADES IN THE EXISTING GAS SYSTEM, WE NOW HAVE THAT FLOW AT ABOUT 2500 CUBIC FEET PER MINUTE. SO THAT IS ACTUALLY PULLING SIGNIFICANTLY MORE GAS THROUGH THE SYSTEM TO BE DESTROYED IN THE FLARE. WE'RE CURRENTLY WORKING ON A PROCESS TO GENERATE ELECTRICITY WHICH WOULD BE SOLD INTO THE GRID FOR COMMERCIAL USE AND HOPEFULLY THAT WILL BE OPERATIONAL OFF THAT GAS SOMETIME LATE 2006, EARLY 2007. WE ALSO WENT THROUGH AND LOOKED AT THE INDIVIDUAL WASTE STREAMS THAT WE HAVE RECEIVED AT THE FACILITY TO SEE IF THERE WERE THINGS WE NEEDED TO DO TO TRY TO MINIMIZE THE ODOR. WHEN YOU LOOK AT AN OPERATING LANDFILL, YOU HAVE THE LEACHATE, WHICH IS AN ODOR SOURCE. YOU HAVE THE METHANE GAS WHICH IS ANIS AN ODOR SOURCE AND THE ACTUAL RECEIPT OF THE WASTE WHICH CAN BE AN ODOR SOURCE. SO WE ATTEMPTED TO ADDRESS EACH ONE OF THOSE AND FEEL WE'VE GOT A REAL GOOD HANDLE ON THE GAS AND THE LEACHATE. THE ONGOING ONE IS THE TRUCK THAT COMES IN FROM THE SEAFOOD RESTAURANT IN AUGUST WITH A LOAD OF WASTE THAT IS SOMEWHAT RIPE. THOSE ARE ISSUES THAT WE TRY TO DEAL WITH BY HANDLING THE WASTE AS QUICKLY AS POSSIBLE. WE TAKE EVERY ONE OF THE COMPLAINTS SERIOUSLY. ONE OF THE ISSUES WE HAVE HAD IS THAT THE COMPLAINTS EITHER GO THROUGH E-MAIL TO YOU OR SOME OTHER ELECTED OFFICIALS AND WE FIND OUT ABOUT THEM SOMETIMES WEEKS AFTER THE EVENT. IN ORDER FOR US TO CORRECT THE PROBLEM, WE NEED TO BE ABLE TO GO OUT IN REALTIME TO ADDRESS WHAT THE SITUATION IS AND SEE IF THERE'S SOMETHING WE'RE DOING WRONG OR SOMETHING THAT'S FAILED IN OUR SYSTEM THAT'S

RESULTED IN THE ODOR. SO IT'S BEEN DIFFICULT FOR US TO ADDRESS IT, BUT WE TRACK EVERY ONE OF THE COMPLAINTS THAT WE GET WHETHER IT'S A DIRECT COMPLAINT OR WHETHER IT'S ONE THAT COMES THROUGH THE E-MAIL SYSTEM, AND WE TRY TO ADDRESS EACH ONE OF THOSE AS BEST WE CAN.

Kim: AND YOU SAY YOU WERE STORING THE GAS AND SELLING IT?

CURRENTLY WE'RE COLLECTING IT AND TREATING IT. IT'S JUST BEING BURNED OFF AS A FLARE. THERE'S A BIG FIRE OUT THERE RIGHT NOW. WHAT WE'LL DO IN THE NEXT YEAR TO 18 MONTHS IS WE'LL USE THAT GAS TO RUN ENGINES TO GENERATE ELECTRICITY THAT WILL BE USED. RIGHT NOW THE PROJECTIONS ARE THEY WILL PROVIDE POWER FOR ABOUT 6,000 HOMES FOR ABOUT 20 YEARS.

Kim: HMM. I'M SURE THERE'S A LOT OF GAS OUT THERE THAT HAS APPLICATIONS, THOUGH. OKAY, THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO AGAIN, WE HAVE THESE DIFFERENT ITEMS BEFORE US. ONE RELATES TO THE FEE SCHEDULE ORDINANCES PRESENTED BY MR. RHOADES. WE HAVE CORRESPONDING OPERATING BUDGET AMENDMENTS. AND THEN WE HAVE THE CITY-WIDE DEPARTMENT COLLECTION SERVICES, AND THEN THE DOWNTOWNALYWAY COLLECTION SERVICES.

CAN I ASK A QUESTION? IS IT THE PLAN TO VOLT ON EACH ONE OF THESE ITEMS SEPARATELY? I WOULD MAKE THAT SUGGESTION AND RECOMMENDATION.

Mayor Wynn: I WOULD THINK WE WOULD NEED TO, YES, SIR. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS COLLECTIVE PUBLIC HEARING. ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0.

Leffingwell: I'LL MAKE A MOTION TO APPROVE ITEM NUMBER

34.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM 34, THE OPERATING BUDGET AMENDMENT TO OUR SOLID WASTE DEPARTMENT, SECONDED BY COUNCILMEMBER DUNKERLEY. COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0.

Dunkerley: WHICH WOULD EXPAND THE DOWNTOWN CONTRACT SERVICE AREA AND AMEND THE FEE SCHEDULE.

Mayor Wynn: I'LL SECOND. JUST FOR MY CLARIFICATION, THAT WOULD BE ESSENTIALLY COMBINING MOTION ITEMS 63 AND 31 --

Leffingwell: I'M SORRY.

Mayor Wynn: SO MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER LEFFINGWELL -- OR NOT --

Leffingwell: MAYOR, WAS THAT ITEM 63 AND 31 TOGETHER?

Mayor Wynn: COUNCILMEMBER?

Leffingwell: I UNDERSTOOD 63.

Mayor Wynn: WELL, 63 IS THE ORDINANCE AMENDING THE CITY CODE. 63 IS THE ORDINANCE THAT IS THE CODE THAT EXPANDS THE DOWNTOWN CONTRACT SERVICE AREA AND THE CORRESPONDING FEE SCHEDULE.

Dunkerley: THAT'S THE ONE I'M MAKING THE MOTION FOR.

Mayor Wynn: AND FOR OUR SAKE, ITEM 31 IS THE ACTUAL CONTRACT, 12-MONTH SERVICE AGREEMENT WITH WASTE MANAGEMENT REGARDING THAT EXPANDED DESIGNATEDALYWAY. DESIGNATEDALYWAYALYWAY AREA. COUNCILMEMBER DUNKERLEY, YOUR --

Dunkerley: WE WERE JUST GOING TO DO THEM ONE AT A TIME AND MINE WAS FOR 63.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM NUMBER 63, THE FEE SCHEDULE ORDINANCE AND THE EXPANSION OF THE DOWNTOWN CONTRACT SERVICE AREA.

SECONDED.

Mayor Wynn: SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. MOTION PASSES ON A VOTE OF 7 TO 0. MR. RHOADES, I WANT TO MAKE SURE I UNDERSTAND. WE HEARD SOME TESTIMONY FROM THE SWAC. SO THE SWAC DID RECOMMEND ITEM NUMBER 32, WHICH IS THE CITY-WIDE DEPARTMENTAL COMMERCIAL COLLECTION SERVICE CONTRACT THAT HAPPENS TO BE PROPOSED TO BE WITH WASTE MANAGEMENT. AND THAT COLLECTION -- THAT MATERIAL ALL GOES TO -- OBVIOUSLY THEIR LANDFILL.

YES. RIGHT.

Mayor Wynn: BUT THE SWAC SWAC -- HEARD THEM TALK ABOUT THE ISSUE A SMOOTH TRANSITION, BUT THEY DID NOT FORMALLY MAKE A RECOMMENDATION ON ITEM 31.

NO, MAYOR, THEY DID NOT. WHAT THEY DID WAS PASS A RESOLUTION AS THAT WE'RE MOVING FORWARD WITH TRANSITIONING THE CONTRACTS FROM THE CURRENT [INAUDIBLE] TO THIS -- PRIVATE HAULERS TO THIS CONTRACT, THAT WE TRY TO SIEVE IF WE CAN GET THOSE CONTRACTS TO EXPIRE.

Mayor Wynn: AND IS IT TOO SIMPLISTIC TO SUGGEST OR SAY THAT JUST BASED ON THE DOLLAR AMOUNTS OF THESE TWO CONTRACTS, THAT ESSENTIALLY THE DOWNTOWN AREA CONTRACT HAS APPROXIMATELY 50% MORE WASTE THAN DOES ALL THE CITY DEPARTMENT LOCATIONS? I GUESS THE FACT THAT IN ROUND NUMBERS ARE \$600,000 A YEAR ON ITEM NUMBER 32, THE CITY DEPARTMENT CONTRACT, AND THERE'S ABOUT A MILLION DOLLARS A YEAR ON THE EXPANDED DOWNTOWN FEE. I MEAN COULD IT BE -- IS THAT TOO SIMPLISTIC TO SAY OR PERHAPS -- MY GUESS IS THE DOWNTOWN ALLEYS MIGHT BE A MORE

CHALLENGING PLACE AND MORE COSTLY PLACE PERHAPS.

TWO THINGS IS HELP DRIVING THIS. THE COST THEY BID IS A MILLION DOLLARS THIS THE DOWNTOWN AREA. THAT COST IS STILL RELATIVELY LOW BECAUSE ALL THE CONTAINERS ARE SO CLOSE TOGETHER, THEY ARE IN THE ALLEYS SO IT'S EASIER TO SERVE. BUT YOU HAVE MORE CONTAINERS TO DEAL WITH. ON THE CITY-WIDE CONTRACT BECAUSE IT'S SPREAD ALL OVER THE CITY, YOU HAVE THE DRIVE TIME AND THOSE TYPE OF ISSUES DEALING WITH THAT. AND SO I DON'T THINK IT'S A APPLES TO APPLES COMPARISON TO DO THAT.

Mayor Wynn: COUNCILMEMBER DUNKERLEYDUNKERLEY: ON 32, THE ONE RECOMMENDED BY THE SOLID WASTE ADVISORY BOARD, MY CONCERN AGAIN IS WITH THE LONGER-TERM CONTRACT. IF OUR PLAN LEAVES US ANOTHER WAY, I WANT TO BE ABLE TO GET OUT OF THIS CONTRACT AT AN APPROPRIATE TIME, SO I WOULD LIKE THE PURCHASING OFFICE TO NOTIFY -- JUST TO INFORM THE COUNCIL, NOTIFY US BY MEMO ABOUT 30 DAYS PRIOR TO THE RENEWAL TIME OF THE CONTRACT. AND THAT WAY WE CAN BE ALERTED TO MONITOR WHAT'S GOING ON WITH OUR SOLID WASTE PLAN, AND WE CAN I THINK BETTER ABLE -- WILL BE BETTER ABLE TO MONITOR THAT. SO WITH THAT UNDERSTANDING, I WOULD MOVE APPROVAL OF ITEM NUMBER 32 AS RECOMMENDED BY THE SOLID WASTE ADVISORY BOARD. RECOMMEND APPROVAL FOR THAT ITEM.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM 32 WITH THE CAVEAT ABOUT NOTICE ON FUTURE RENEWALS. I'LL SECOND THAT. COMMENTS?

ONE THING WE MIGHT DO TO MAKE EVERYONE MORE COMFORTABLE, IF WE HAVE -- WE MIGHT BACK UP EVEN 30 MORE DAYS AND GIVE YOU A 60-DAY NOTICE. THAT WILL GIVE YOU ENOUGH TIME -- A LITTLE MORE TIME TO HAVE ROOM TO MANEUVER IF INDEED YOU'RE READY TO MOVE IN ANOTHER DIRECTION. SO WE'LL WORK WITH YOU ON THE RIGHT KIND OF TIMING ON.

Dunkerley: THANK YOU. THAT WOULD BE BETTER.

Leffingwell: MAYOR?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I HAVE A LONG HISTORY WITH THESE LANDFILLS, AND IT HAS BEEN MENTIONED HERE TONIGHT THAT THE CITY DECIDED NOT TO RENEW CONTRACTS BECAUSE OF THE CONDITION OF THESE LANDFILLS SEVERAL YEARS AGO. ALSO WE HAVE ONGOING OR DO VERY SHORTLY A REPORT FROM THE SPECIAL COMMITTEE HEADED BY COUNCILMEMBER DUNKERLEY. I WOULD STKEFL WANT TO HEAR FROM THAT -- DEFINITELY WANT TO HEAR FROM THAT BEFORE I WOULD VOTE ON ANY LONG-TERM CONTRACT, SO I'LL NOT BE ABLE TO SUPPORT THE MOTION.

Mayor Wynn: FURTHER COMMENTS? MAYOR PRO TEM.

Thomas: YES. I COMMEND WASTE MANAGEMENT WHAT THEY ARE DOING, BUT I'M WITH COUNCILMEMBER LEFFINGWELL FOR A LONGTERM. AND I UNDERSTAND THE SITUATION DOWNTOWN AND I KNOW THAT DOWNTOWN NEEDS TO BE CLEAN BECAUSE OF THE PICTURES I LOOKED AT AND THE PICTURES THAT MR. RHOADES BROUGHT TO MY OFFICE IS REAL BAD. BUT I'M JUST NOT COMFORTABLE WITH THE LONG-TERM AT THIS TIME BECAUSE, IF I'M NOT MISTAKEN, WHAT THE MAYOR WAS SAYING, THE CAPACITY, IT'S GOING TO BE MORE TRASH. AND I'M STILL CONCERNED THAT -- I KNOW THEY ARE SUPPOSED TO BE OUT 2013, BUT IF WE CONTINUE TO MORE TRASH GOING IN, ARE THEY GOING TO WANT MORE, EXPAND MORE, ARE WE GOING TO BE ABLE TO LOCATE -- I KNOW THAT'S NOT IN OUR FIELD, THAT'S DEALING WITH THE COUNTY. THAT'S WHERE I HAVE A CONCERN. AND I JUST CAN'T SUPPORT THAT RIGHT NOW.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: THIS IS ABOUT REFUSE COLLECTION FOR THE CITY DEPARTMENTS AND I GUESS LATER WE'LL HAVE A MOTION REGARDING THE DOWNTOWN AREA.

Mayor Wynn: CORRECT.

Kim: SPEAKING TO THIS SPECIFIC DEPARTMENTS WHEN WE HAVE TO TAKE CARE OF OUR SOLID WASTE AND SO I'M GLAD WE'RE GOING TO HAVE THE OPTION TO TAKE ANOTHER LOOK AT THIS 60 DAYS BEFORE THE RENEWALS BECAUSE IT WAS RECOMMENDED BY THE SOLID WA EUZ WASTE ADVISORY BOARD. THEY ARE WORKING ON A LONG-TERM PLAN FOR MANAGING SOLID WASTE IN THIS REGION. SO I WANT TO GO AHEAD AND APPROVE IT AT THIS TIME, BUT ALSO WE WILL HAVE THE OPTION TO EVALUATE IT AND ALL OUR OPTIONS ARE LONG-TERM OPTIONS BASED ON THE WORK BY COUNCILMEMBER DUNKERLEY AND THE SOLID WASTE ADVISORY BOARD AND THEIR SPECIAL TASK FORCE. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBERCOUNCILMEMBER ALVAREZ.

Alvarez: THAT'S WHAT I'VE ALSO STRUGGLED WITH THE MOST IS WE'RE GOING TO HAVE SOME LONG-TERM DIRECTION SOON FROM A STAKEHOLDER PROCESS. YOU KNOW, MY THINKING WAS TO HAVE LESSER NUMBER OF YEARS RENEWAL, BUT YOU STILL HIT THE -- YOU STILL HAVE TO RENEW THEM EVEN IF IT'S TWO-YEAR RENEWAL INSTEAD OF FOUR-YEAR RENEWALS. AND WE'VE SEEN THAT, YOU KNOW, YOU'VE BEEN AT THE FIVE YEAR LEVEL YOU DON'T REACH THE END OF THE LIFE OF THE FACILITY. SO I DON'T KNOW THAT THAT'S NECESSARILY AN ISSUE, BUT I THINK I'LL BE SUPPORTING THE MOTION, YOU KNOW, WITH THE UNDERSTANDING THAT WE'RE GOING TO LOOK AT SORT OF WHAT OUR LONG-TERM STRATEGY IS AND THAT -- AND ASSUMING, AS WE'VE BEEN SORT OF REASSURED BY STAFF THAT WE HAVE FLEXIBILITY WHEN IT COMES TO THE RENEWALS, AND THAT THE NOTICE IS GOING TO BE PROVIDED AS WE MOVE FORWARD, BUT WE NEED -- WE NEED THE SERVICE AND WE NEED TO PROVIDE FOR OUR CITY AND WE HAVE WITH THESE KIND OF CONTRACTS VERY LIMITED KINDS OF ISSUES WE CAN LOOK AT OTHER THAN PRICE. AND SO UNLESS WE DECIDE WE'RE GOING TO BAN CERTAIN COMPANIES FOR, YOU KNOW, WHO KNOWS WHAT KIND OF REASONS, I MEAN I THINK YOU WOULD HAVE TO MAKE SURE YOU TREAT ALL THE COMPANIES EQUALLY. BUT -- AND I ASSUME THIS WAS A LOW BID CONTRACT. IS THAT -- SO I THINK THAT THAT'S AGAIN TO A CERTAIN DEGREE THE

PROCUREMENT LAWS LIMIT THE KINDS OF ISSUES WE CAN LOOK AT, SO THOSE ARE THE REASONS I'LL BE SUPPORTING THIS. BUT LOOKING FOR GUIDANCE ON THE ADVISORY COMMITTEE THAT'S BEEN DOING THE WORK FOR SEVERAL MONTHS NOW.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE ITEM 32 WITH THE CAVEAT OF EARLY NOTICE AND DISCUSSION AT EACH RENEWAL, POTENTIAL RENEWAL. COUNCILMEMBER McCracken.

McCracken: I THINK THIS IS A HARD DECISION, BUT I'M NOT READY TO GO FORWARD THIS EVENING ON THIS MYSELF EITHER PARTICULARLY SINCE WE'LL HAVE A BETTER SENSE OF OUR LONG-TERM DIRECTION VERY SOON. AND I MEAN MY PROBLEM IS WE DEFINITELY HAVE SOME FACTORS IN THERE THAT REFLECT COMMUNITY VALUES THAT GO BEYOND THE COST OF THIS. AND I'M NOT THERE TONIGHT.

MAYOR AND COUNCIL, IF I MAY.

Mayor Wynn: YES, YOU MAY.

I APOLOGIZE IF THIS IS A PROTOCOL ISSUE BUT I NEED TO CLARIFY A COUPLE OF THINGS FOR YOU. THE CITY HAS THE RIGHT TO CANCEL WITHOUT CAUSE WITH 30 DAYS' WRITTEN NOTICE TO THE VENDOR. THAT'S AT ANY TIME DURING THE TERM OF THE CONTRACT. EVEN THOUGH WE HAVE FOUR 12-MONTH OPTIONS, THOSE ARE OPTIONAL. THEY ARE NOT AUTOMATIC RENEWALS. IT IS THE CITY'S OPTION TO EXERCISE A RENEWAL. IT IS NOT AUTOMATIC.

THAT'S VERY GOOD INFORMATION. THAT'S IMPORTANT. SO NOT ONLY WOULD WE HAVE THE ABILITY 60 DAYS BEFORE THE END OF EACH ONE-YEAR CONTRACT BEFORE RENEWAL TO NOTICE THE COUNCIL ON WHETHER THEY WANT TO MOVE FORWARD WITH THE NEXT EXTENSION, AT ANY POINT DURING THE YEAR WITH 30 DAYS' NOTICE, IF YOU WERE READY TO MOVE FORWARD IN ANOTHER DIRECTION WITH 30 DAYS' NOTICE WE COULD CANCEL AND MOVE TO ANOTHER DIRECTION.

THAT'S CORRECT.

ALL RIGHT.

Mayor Wynn: AND THEN TO CONTINUE THAT THOUGHT, IF FOR SOME REASON, EVEN FRANKLY IF WE WEREN'T OTHERWISE PREPARED TO GO IN A DIFFERENT DIRECTION BUT THERE WAS SOME AGREE USE ACTION THAT WOULD CAUSE US TO WANT TO CANCEL THE CONTRACT WITH 30 DAYS' NOTICE, WHAT WOULD BE SORT OF THE EMERGENCY PROCUREMENT PROCESS WHEREBY WE COULD HAVE, YOU KNOW, SOLID WASTE COLLECTION 30 DAYS LATER?

IF WE NEEDED TO CANCEL WITH 30 DAYS'S NOTICE, WE WOULD HAVE TO RELY ON THE PUBLIC HEALTH AND SAFETY TO GET AN INTERIM CONTRACT IN PLACE UNTIL WE COULD MAKE A LONG-TERM DECISION ABOUT WHAT IT IS WE WANTED TO DO.

Mayor Wynn: BUT IN THEORY THERE COULD BE SOME EMERGENCY PROCUREMENT, WE COULD HAVE AN INTERIM CONTRACT NEGOTIATED IN A FEW DAYS, LITERALLY, OR SOME SHORT PERIOD OF TIME WITH SOME OTHER VENDOR, OPERATOR, WHILE WE THEN THINK THROUGH A DIFFERENT STRATEGY.

THAT'S CORRECT.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE ITEM NUMBER 32 WITH SOME CAVEATS. HEARING NO ADDITIONAL COMMENTS, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? THE MOTION PASSES ON A VOTE OF 4 TO 3, I BELIEVE, WITH THE MAYOR PRO TEM AND COUNCILMEMBER McCRACKEN AND COUNCILMEMBER LEFFINGWELL VOTING NO. IS THAT CORRECT? COUNCILMEMBER DUNKERLEY.

Dunkerley: I DO HAVE A COMMENT TO MAKE NOW. I WANT TO PUT ALL AOUR LANDFILL OPERATORS ON NOTICE THAT WITH THE PLAN THAT I HOPE WE COME FORWARD WITH THAT MOVES US TOWARD A VERY LOW LANDFILL RATE AND A VERY HIGH RECYCLING RATE, I HOPE TO SEE OUR

MATERIALS GOING INTO ALL THE LANDFILLS GREATLY REDUCED OVER THE NEXT FEW YEARS. I THINK OUR SINGLE STREAM RECYCLING EFFORT WILL HELP, AND I THINK OTHER EFFORTS THAT WE HAVE FOR BUILDING MATERIAL RECYCLING AS WELL AS GENERAL RECYCLING PROGRAMS WILL CERTAINLY HELP, AND THAT'S SOMETHING I FOR ONE AM REALLY GOING PUSH HARD ON. SO BE FOREWARNED. WE DON'T WANT TO USE AS MUCH AS WE ARE USING NOW.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCIL THAT IS CORRECT LEAVES US WITH THE LAST ITEM, ITEM NUMBER 31, WHICH WAS -- WHICH NOW THAT WE HAVE TAKEN UP ITEM -- AND APPROVED ITEM 63, THE EXPANDED BOUNDARY AND THE CORRESPONDING FEE SCHEDULE ORDINANCE CHANGE FOR THE DOWN, WHAT USED TO BE CALLED THE DOWNTOWN T, WE HAVE ITEM 31, WHICH WAS THE PROPOSEDER SERVICE AGREEMENT FOR THAT NEW SERVICE.

LET ME CLARIFY. WOULD THE SAME RULES BE IN PLACE FOR THIS CONTRACT ALSO? SO WE ALSO HAVE THE SAME 30 DAY? BUT A 30-DAY NO CAUSE NOTICE AT ANY POINT IN THE CONTRACT?

THAT IS CORRECT. THAT IS IN OUR STANDARD TERMS AND CONDITIONS.

AND WE WOULD ADD TO THAT THE CAVEAT THAT WE WILL DO THE SAME THING HERE AND GIVE THE COUNCIL 60 DAYS' NOTICE EACH YEAR IF WE GET THAT FAR INTO THE PROCESS EACH YEAR SO THAT HE CAN ALWAYS TAKE A LOOK AND SEE WHERE DO WE WANT TO HEAD FROM HERE.

YES.

THANKS.

Mayor Wynn: ACTUALLY I HAVE A QUESTION. IS MR. BRICE STILL WITH US? ON THIS ITEM -- EXCUSE ME. ONE OF THE -- ONE OF THE THOUGHTS THAT CAME UP WAS A POTENTIAL CONCERN, I GUESS, FOR, LACK OF A BETTER TERM, A SMOOTH TRANSITION. I THINK WHAT WAS MEANT BY THAT WAS WITHIN THE NEW BOUNDARY OF THIS EXPANDED

DOWNTOWN SERVICE AREA, OBVIOUSLY THERE ARE PRIVATE TENANTS AND/OR PROPERTY OWNERS WHO HAVE SERVICE WITH SOMEBODY ELSE. HOW IS THAT SORT OF ANALYZED AND THOUGHT THROUGH FROM THE -- YOU KNOW, FROM THE D.A.A. PERSPECTIVE OR THE WAREHOUSE DISTRICT ASSOCIATION PERSPECTIVE, JUST THE LARGER DOWNTOWN COMMUNITY? WHAT WAS THE DEBATE, DISCUSSION, IF ANY?

WE MOSTLY RELIED ON CITY STAFF'S RECOMMENDATIONS ON THAT, SIR. WE WERE HOPING THAT IT WOULD TRANSITION IN A WAY THAT THE ORIGINAL T CONTRACT DID, BUT I DON'T KNOW THE EXACT HISTORY ON THAT. THEY WEIGH THOSE CONTRACTS FADE OUT AND BE RENEWED WITH THE NEW SERVICE AGREEMENT, WE WERE UNDER THE UNDERSTANDING THAT MOST OF THE CONTRACTS THAT THE BUSINESSES HAVE HAVE CLAUSES WHERE AFTER A CERTAIN PERIOD THEY CANNOT RENEW. SO WE WERE RELYING ON CITY STAFF'S ADVICE THERE. SO I DON'T PROBABLY HAVE A LOT TO OFFER MORE AT THIS POINT.

Mayor Wynn: MR. RHOADES, CAN YOU EXPAND ON THAT A LITTLE BIT? SAY YOU HAVE A BLOCK-LONGALY, AND THERE'S PROBABLY A HALF ON DOZEN OR MORE DUMPSTERS BACK THERE, AND IT WOULDN'T SURPRISE ME THAT, YOU KNOW, FOUR HAVE -- HAPPEN TO HAVE A CONTRACT WITH ONE PROVIDER, YOU KNOW, FOUR DIFFERENT CONTRACTS, BUT ALL WITH THE SAME PROVIDER, BUT THEN ONE OR TWO WILL HAVE A DIFFERENT OPERATOR. WHAT WAS THE HISTORY OF THE ORIGINAL TRANSITION ON THE ORIGINAL T CONTRACT AND THEN WHAT'S ANTICIPATED OR LIKELY TO OCCUR ON THIS.

I CANNOT TELL YOU ABOUT THE ORIGINAL T BECAUSE I WAS NOT HERE, BUT I CAN TELL YOU WHAT WE ARE PLANNING FOR THIS AREA. ON A BLOCK BY BLOCK BASIS WE WILL BE CONTACTING ALL THE COMPANIES DOWN THERE AND THE OWNERS OF THE CONTRACTS. WE'LL WORK WITH THEM ON THE SMOOTH TRANSITION. THE PROPERTY OWNER WILL TYPICALLY WANT TO KNOW WHAT ARE WE PLANNING TO DO, HOW ARE WE GOING TO PROVIDE THE SERVICE, WHAT'S THE COST OF THE SERVICE. SOME COMPANIES HAVE ALREADY ASKED THIS INFORMATION, WE PROVIDED THAT TO THEM. IF

THEY CHOOSE TO CONTINUE WITH THE EXISTING CONTRACT, WE WILL HONOR THAT REQUEST. WE WILL ALSO PUT ON NOTICE THAT WHEN WE BRING THE NEW DUMPSTERS IN, WE MAKE SURE THEY WON'T HAVE ANY DISRUPTION IN SERVICE. IF THEY CHOSE TO STOP THE CONTRACT SOONER, THAT'S WHEN WE'LL SAY WE'LL BE BRINGING IN THE ADDITIONAL DUMPSTERS AND PROVIDE SERVICE TO THEM. THE DUMPSTERS WILL BE PLACED IN THEIR WASTE MANAGEMENT PROVIDES SERVICE. DURING THE TIME FRAME WE'RE DOING THE INSTALLATION OF THE DUMPSTERS OR DURING THE TIME FRAME BEFORE INSTALLATION OF THE DUMPSTERS, MY STAFF WILL BE WORKING IN THE ALLEYS TO TKPWERPL WHERE WE CAN PLACE THE RECYCLING DUMPSTERS THAT WE'LL BE PLACING IN THERE. SO FOR THE EACH BUSINESS DOWN THERE ON A BLOCK BY BLOCK BASIS, IF THE COMPANY BUSINESS OWNERS WOULD ASPIRE TO KEEP THEIR CONTRACTS, WE WOULD SCHEDULE A DATE FOR WHEN WASTE MANAGEMENT CAN BRING IN THE DUMPSTERS AT THE TIME WE BRING IN RECYCLING DUMPSTERS TO AUGMENT THOSE DUMPSTERS DOWN THERE. ONCE THE DUMPSTERS ARE IN PLACE, THEN WE'LL BE ABLE TO STUDY HOW MANY DUMPSTERS ACTUALLY NEED SOD WE CAN MAKE SURE WE HAVE THE LEAST AMOUNT OF TRASH DUMPSTERS IN THE ALLEY AND THE PROPER AMOUNT OF RECYCLING. WE DID THAT ON SIXTH STREET AND CONGRESS AND WE HAVE BEEN ABLE TO REDUCE THE NUMBER OF DUMPSTERS FOR TRASH DUMP TERSE AND HAVE THE PAPER DUMPSTERS IN THE ALLEYS.

Mayor Wynn: THANK YOU, MR. RHOADES. QUESTIONS, COMMENTS, COUNCIL? I'LL JUST SAY PERSONALLY THAT FRANKLY OF THE LARGER NUMBER OF ISSUES HERE, MY STRONGEST SUPPORT IS FOR THIS EXPANDED AND BETTER DOWNTOWN SERVICE. AND, YOU KNOW, CLEARLY THERE'S THE RATIONALE AND THE ARGUMENT FOR THE EXPANSION HENCE THE NEWUNANIMOUS VOTE EARLY AND THE CORRESPONDING FEE SCHEDULE. SEEMS TO ME THAT -- I'LL WAIT FOR A MOTION, OBVIOUSLY, BUT I'LL BE SUPPORTIVE OF THIS CONTRACT IN ORDER TO TAKE ADVANTAGE OF WHAT WE'VE DONE EARLIER AND JUST THE GROWING NEED IN OUR DOWNTOWN FOR MORALMORE ALLEYS TO BE

COORDINATED WITH THIS BETTER SERVICE. WITH THE PROCUREMENT PROCESS WE HAVE THE ABILITY WITH 30 DAYS OF NOTICE FOR ANY REASON TO CANCEL THE CONTRACT AND WE'RE GOING TO HAVE THE ADDITIONAL REVIEW, YOU KNOW, IF AND WHEN THERE IS A PROPOSED EXTENSION OF THE CONTRACT. COUNCILMEMBER LEFFINGWELL.

Leffingwell: THERE'S NOT A MOTION ON THE TABLE NOW, BUT I WANT TO SAY THAT I ALSO STRONGLY SUPPORT THE EXPANSION OF THE DOWNTOWN T AND I SUPPORT THE CONCEPT OF A SINGLE PROVIDER. AS I SAID BEFORE, TO PROVIDE ACCOUNTABILITY. I DON'T CARE IF THAT'S W. PHEUPLT. ORT.D.S. IT DOESN'T MATTER TO ME. WHAT CONCERNS ME IS THE DESTINATION OF THIS GARBAGE. FOR FIVE YEARS THERE HAS -- WITHOUT REGARD TO SCIENTIFIC CLAIMS FROM ONE SIDE TO THE OTHER -- OR THE OTHER, THERE HAS BEEN A STEADY DRUM BEAT OF COMPLAINTS ABOUT THIS LANDFILL FOR FIVE YEARS THAT I KNOW OF. WHERE THERE'S THAT MUCH SMOKE, THERE'S BOUND TO BE A LITTLE FIRE. THE LANDFILL HAS BEEN FINED FOR VIOLATIONS OF VARIOUS RULES AND REGULATIONS. I CAN'T SUPPORT THE AWARDED OF A CITY CONTRACT THAT PUTS MORE STUFF IN THAT LANDFILL. THANK YOU.

Mayor Wynn: QUESTIONS, MOTIONS? COUNCILMEMBER KIM.

Kim: WE'LL BE LOOKING AT, AGAIN, THE LONG-TERM OPTIONS THAT WE HAVE FOR THE CITY, BUT TALKING ABOUT DOWNTOWN, I'VE EXPERIENCED FIRSTHAND JUST BEING DOWNTOWN, JUST THESE AREAS THAT WE'RE ABOUT TO EXTEND SERVICE TO, AND THEY ARE EMBARRASSING TO OUR CITY. AND I HAD EXPERIENCES WHERE VISITORS FROM OUT OF TOWN HAVE BEEN INTRODUCED TO ME AND THE FIRST THING THEY SAY IS I CAN'T BELIEVE IN THIS CITY HOW BAD IT IS IN THE ALLEYS IN TERMS OF THE GARBAGE THERE, THE SMELLS THERE, AND IT IS A DRAMATIC DIFFERENCE BETWEEN THE ALLEYS THAT HAVE COORDINATED WASTE PICKUP FROM ONE SERVICE PROVIDER VERSUS THESE ALLEYS THAT DON'T CURRENTLY. SO I'M GOING TO BE SUPPORTING -- I GUESS WE DON'T HAVE A MOTION, RIGHT? WELL, I'M GOING TO MAKE A MOTION THEN TO SUPPORT THE 12-MONTH SERVICE AGREEMENT FOR THE

DESIGNATEDALYWAYS AND WE WILL HAVE AN OPPORTUNITY TO TERMINATE WITH 30 DAYS' NOTICE IF NECESSARY AND WE WILL BE NOTIFIED 60 DAYS BEFORE RENEWAL. THAT'S MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM TO APPROVE THIS 12-MONTH SERVICE AGREEMENT, ITEM 31, WITH ESSENTIALLY THE SAME CALF T AS WE TALKED ABOUT UNDER 32. I'LL SECOND THAT. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED?

NO.

Mayor Wynn: ITEM PASSES ON A VOTE OF 4 TO 3 WITH -- WITH THE MAYOR PRO TEM, COUNCILMEMBER McCRACKEN AND COUNCILMEMBER LEFFINGWELL VOTING NO. THANK YOU ALL VERY MUCH. I BELIEVE THAT'S IT, COUNCIL, THERE BEING NO MORE ITEMS BEFORE THE CITY COUNCIL, WE NOW STAND ADJOURNED. THANK YOU VERY MUCH. IT'S 9:40 P.M.

End of Council Session Closed Caption Log